6

PART. IV SEC 2.B

WITH

EXTRARDINARY

FEB TO DECEMBER

PART IV

Section 2-B + Ex-ordinary.

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 4 LGN 65, Bangalore, dated 15th February 1965

Ordered that the Mysore Appropriation Act, 1965, which received the assent of the Governor on the Fifteenth day of February, 1965, be published as Mysore Act No. 1 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ACT No. 1 OF 1965.

(*First published in the* Mysore Gazette *on the Eighteenth Day of February 1965.*)

THE MYSORE APPROPRIATION ACT, 1965.

(*Received the assent of the Governor on the Fifteenth Day of February, 1965*).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1964-65.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1964-65;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Appropriation Act, 1965.

2. Issue of rupees 19,65,21,968 out of the Consolidated Fund of the State for the financial year 1964-65.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of nineteen crores, sixty-five lakhs, twenty-one thousand, nine hundred and sixty-eight rupees towards defraying the several charges which will come in course of payment during the financial year 1964-65 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said Year.

THE SCHEDULE.

(*See* sections 2 and 3)

1	2		3		
No. of Demand	Services and Purposes		Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE.		Rs.	Rs.	Rs.
2	9	Land Revenue ...	14,41,640		14,41,640
4	11	Taxes on Vehicles ...	12,900		12,900
10	19	General Administration ...	3,66,100		3,66,100
11	21	Administration of Justice ...	3,60,000		3,60,000
13	23	Police ...	27,707		27,707
14	25	Supplies and Disposals ...	50,00,000		50,00,000
15	26	Miscellaneous Departments ...	7,22,000		7,22,000
20	31	Agriculture ...	2,85,985		2,85,985
22	33	Animal Husbandry ...	21,20,200		21,20,200
23	34	Co-operation ...	...	14,876	14,876
24	35	Industries ...	100	...	100
25	37	C.D.P., N.E.S. and L.D. Works ...	1,28,800	...	1,28,800
39	71	Miscellaneous ...	35,48,797	...	35,48,797
		Total 'A' ...	1,40,17,229	14,876	1,40,32,105
		C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.			
44	96	Capital Outlay on Industrial Development ...	7,33,25,000		7,33,25,000
45	99	Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial) ...	30,14,000	12,814	30,26,814
46	100	Do (Non-Commercial)...	79,87,000		79,87,000
47	101	Capital Outlay on Electricity Schemes ...	...	18,12,000	18,12,000
48	103	Capital Outlay on Public Works ...	7,60,000	...	7,60,000
53	124	Capital Outlay on Schemes of Government Trading ...	1,00,00,000		1,00,00,000
53A	125	Appropriation to the Contingency Fund ...	1,00,00,000	...	1,00,00,000
		Total 'C' ...	10,50,86,000	18,24,814	10,69,10,814

THE SCHEDULE—*contd.*

No. of Demand	Services and Purposes	Sums not exceeding: Voted by the Legislative Assembly	Sums not exceeding: Charged on the Consolidated Fund	
		1	2	3
	E. DISBURSEMENT OF ADVANCES AND LOANS.			
54	Q. Loans and Advances by State and Union Territory Governments ...	7,55,79,049	...	7,55,79,049
	Grand Total ...	19,46,82,278	18,89,690	19,65,21,968

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,
Law Department.

NOTIFICATION.

No. LAW 5 LGN 65, Bangalore, dated 15th February 1965.

Ordered that the Mysore Appropriation (No. 2) Act, 1965, which received the assent of the Governor, on the fifteenth day of February 1965, be published as Mysore Act No. 2 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ACT No. 2 OF 1965.

(First published in the Mysore Gazette *on the Eighteenth day of February 1965).*

THE MYSORE APPROPRIATION (No. 2) ACT, 1965.

(Received the assent of the Governor on the Fifteenth day of February 1965)

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year 1960-61 in excess of the amounts granted for those services and for that year.

WHEREAS it is expedient to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year 1960-61, in excess of the amounts granted for those services and for that year;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Mysore Appropriation (No. 2) Act, 1965.

2. **Issue of Rupees 11,94,79,268 out of the Consolidated Fund of the State to meet certain excess expenditure for the financial year 1960-61.**—From and out of the Consolidated Fund of the State, the sums specified in column 3 of the Schedule, amounting in the aggregate to the sum of eleven crores, ninety-four lakhs, seventy-nine thousand, two hundred and sixty-eight rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year 1960-61 in excess of the amounts granted for those services and for that year.

3. **Appropriation.**—The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year 1960-61.

SCHEDULE.

(*See* sections 2 and 3)

1	2	3		
No. of Demand	Services and Purposes	Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	18. Other Revenue Expenditure Financed from Ordinary Revenues	2,35,025	...	2,35,025
2	12. Taxes on Vehicles	...	40,711	40,711
3	29. Police	47,800	...	47,800
4	50. Civil Works	6,29,29,794	1,18,620	6,30,48,414
5	4. B. Privy Purses and Allowances of Indian Rulers	...	1,32,948	1,32,948
6	56. Stationery and Printing	11,910	...	11,910
	...	6,32,24,529	2,92,279	6,35,16,808
	B. WORKING EXPENSES			
7	XVII. Irrigation, Navigation, Embankment and Drainage Works (Commercial)	9,27,654	...	9,27,654
8	XLVI A. Receipts from Road and Water Transport Schemes—	23,533	...	23,533
	Total B ...	9,51,187	...	9,51,187
	C. CAPITAL EXPENDITURE NOT MET FROM REVENUE.			
9	68. Construction of Irrigation, Navigation, Embankment and Drainage Works—(Commercial.)	19,32,524		19,32,524
10	70. Capital Outlay on Improvement of Public Health	1,92,732		1,92,732
11	81. Capital Account of Civil Works outside the Revenue Account	1,05,82,072	...	1,05,82,072
12	81. A Capital Account of Electricity Schemes outside the Revenue Account	4,01,40,593	...	4,01,40,593
13	82. B Capital Outlay on Road Transport Schemes outside the Revenue Account ...	21,63,352	...	21,63,352
	Total C ...	5,50,11,273	...	5,50,11,273
	Grand Total	11,91,86,989	2,92,279	11,94,79,295

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

LAW SECRETARIAT.

No. LAW 10 LGN 65, Bangalore, dated 6th March 1965.

Ordered that the Mysore Village Panchayats and Local Boards (Amendment) Act, 1965, which received the assent of the Governor, on the fifth day of March 1965, be published as Mysore Act No. 5 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ACT No. 5 OF 1965.

(First published in the Mysore Gazette *on the Eleventh Day of March 1965.)*

THE MYSORE VILLAGE PANCHAYATS AND LOCAL BOARDS (AMENDMENT) ACT, 1965.

(Received the assent of the Governor on the Fifth Day of March 1965.)

An Act further to amend the Mysore Village Panchayats and Local Boards Act, 1959.

WHEREAS it is expedient further to amend the Mysore Village Panchayats and Local Boards Act; 1959 (Mysore Act 10 of 1959);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Village Panchayats and Local Boards (Amendment) Act, 1965.

2. Amendment of section 24.—In the proviso to section 24 of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959) (hereinafter referred to as the principal Act), for the words "five years", the words "six years" shall be substituted.

3. Amendment of section 108.—In the proviso to section 108 of the principal Act, for the words, "five years", the words "six years" shall be substituted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore

PART IV

Section 2B

MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. LAW 44 LGN 63, Bangalore, dated 7th May 1965.

Ordered that the Mysore Public Libraries Act, 1965 which received the assent of the President on the Twenty-second day of April 1965, be published as Mysore Act No. 10 of 1965 in the *Mysore Gazette*, for general information.

THE MYSORE PUBLIC LIBRARIES ACT, 1965

Arrangement of sections

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MYSORE ACT No. 10 OF 1965

(*First published in the* Mysore Gazette *on the Thirteenth day of May* 1965).

THE MYSORE PUBLIC LIBRARIES ACT, 1965

(*Received the assent of the President on the Twenty-second day of April* 1965).

An Act to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the State of Mysore.

WHEREAS it is expedient to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the State of Mysore and for matters connected therewith ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Public Libraries Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) 'academic library' means a library maintained by a university, college, school or research institution ;

(2) 'aided library' means a library declared by the State Librarian to be eligible for aid from the Government in accordance with the rules made under this Act ;

(3) 'book' includes—

(i) every volume, part or division of a volume, and pamphlet, in any language ;

(ii) every sheet of music, map, chart or plan separately printed or lithographed ;

(iii) newspapers, periodicals and other such materials ;

(4) "Chief Librarian" means the Librarian appointed to be in charge of a City Central Library or a District Central Library and other Libraries and the library service under the control of a City Library Authority or a District Library Authority, as the case may be ;

(5) 'City Library Authority' means a Library Authority constituted for a city or other urban area under sections 16 and 17 ;

(6) 'State-owned Library' means a library maintained by a Department of the State Government, the State Legislature, the High Court or any other court or any authority of the State ;

(7) 'district' means a revenue district ;

(8) 'District Library Authority' means a Library Authority constituted for a district under sections 16 and 18 ;

(9) 'library cess' means a cess levied under section 30 ;

(10) 'Local Library Authority' means a City Library Authority or a District Library Authority ;

(11) 'notification' means a notification published in the official Gazette ;

(12) 'outlier library' means any library other than a public library ;

(13) 'prescribed' means prescribed by rules made under this Act ;

(14) 'public library' means,—

(*a*) a library established or maintained by a Local Library Authority, including the branches and delivery stations of such library ;

(*b*) a library established or maintained by the State Government and declared open to the public ;

(*c*) a library established or maintained by any local authority and declared open to the public ;

(*d*) a library declared to be eligible for aid and receiving aid from the State Government ;

and includes, any other library notified by the State Government as a public library for the purposes of this Act ;

(15) 'State Central Library' means the library declared to be the State Central Library under Chapter VI.;

(16) 'State Librarian' means the State Librarian appointed under this Act ;

(17) 'State Library Authority' means the Authority constituted under section 3 ;

(18) 'year' means the financial year.

CHAPTER II.

THE MYSORE STATE LIBRARY AUTHORITY.

3. Constitution and composition of the State Library Authority.—(1) As soon as may be after the commencement of this Act, the State Government shall, by notification, constitute for the purposes of this Act, an authority to be called the State Library Authority. Such authority shall be a body corporate having perpetual succession and

a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

(2) The State Library Authority shall consist of,—

(*a*) the Minister in charge of Education who shall *ex-officio* be the President of the Authority ;

(*b*) four persons elected by the Mysore Legislative Assembly from among its members ;

(*c*) two persons elected by the Mysore Legislative Council from among its members ;

(*d*) one person elected by the Syndicate of each of the Universities in the State from among the members of the Syndicate ;

Explanation :—For purposes of this clause, in respect of the University of Agricultural Sciences, "Syndicate" means the Board of Regents.

(*e*) one person elected by the Executive Committee of the Mysore Library Association from among the members of the Association ;

(*f*) one person elected by the City Library Authority of the City of Bangalore from among its members ;

(*g*) one person elected by the City Library Authority of one of the cities in the State other than the City of Bangalore for which a City Library Authority is established, from among the members of such Authority, subject to the condition that such election shall be made by each City Library Authority for one term in such order of rotation as the State Government may by order determine ;

(*h*) one person elected by the District Library Authority of one of the Districts in each Revenue Division of the State from among the

members of such Authority, subject to the condition that such election shall be made by each District Library Authority in every Revenue Division for one term in such order of rotation as the State Government may by order determine ;

(*i*) the Secretary to the Government, Education Department ;

(*j*) the Director of Public Instruction in Mysore ;

(*k*) three persons nominated by the State Government who in the opinion of the State Government are experts in library science :

Provided that at the first constitution of the Authority for purposes of clauses (*f*), (*g*) and (*h*), six persons ordinarily resident in the cities and districts of the Revenue Divisions for which the Library Authorities may be established, shall be nominated by the State Government.

(3) The State Librarian shall *ex-officio* be the Secretary of the State Library Authority.

4. Functions of the State Library Authority.—The State Library Authority shall advise the State Government on all matters connected with the administration of this Act, shall be the managing authority for the State Central Library, and shall exercise and perform such powers and duties conferred and entrusted to the said Authority by this Act, and such other powers and duties as may be prescribed.

5. Nomination of members in default of election.—If any of the bodies referred to in sub-section (2) of section 3 does not, by such period as may be prescribed, elect a person to be a member of the State Library Authority, the State Government shall, by notification, nominate to the vacancy a person qualified for election thereto ; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

6. Term of office.—(1) Save as otherwise provided in this Act, the term of office of members of the State Library Authority, other than *ex-officio* members, shall be for a period of three years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under section 3.

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

7. Vacancies.—In the event of a vacancy arising out of death, resignation, disability or otherwise, previous to the expiry of the term of office of any member of the State Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in sub-section (2) of section 3, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

8. Disabilities for continuing as member.—If any member other than an *ex-officio* member of the State Library Authority, during the period for which he has been nominated or elected,—

(*a*) absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority ; or

(*b*) in the case of a member elected by any body referred to in sub-section (2) of section 3, ceases to be a member of the body concerned,

his office in the Authority shall become vacant.

9. Disqualifications.—A person shall be disqualified for being chosen as, and for being, a member of the State Library Authority,—

(*a*) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with

imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence ;

(*b*) if he is an undischarged insolvent ;

(*c*) if he is of unsound mind and stands so declared by a competent court.

10. Meetings of the State Library Authority.—(1) The State Library Authority shall meet at least twice a year on dates to be fixed by the President. One of such meetings shall be the annual meeting.

(2) The President may also, whenever he thinks fit, convene a special meeting of the Authority for the transaction of urgent business.

(3) Subject to prescribed conditions, special meetings shall be convened by the President to discuss matters of urgent importance upon a requisition by the members of the Authority.

(4) Two-fifths of the total number of members of the Authority, shall be the quorum for a meeting of the State Library Authority.

(5) The President, if present, shall preside at every meeting of the Authority. In the absence of the President, the members present at the meeting shall choose one from among themselves to preside.

11. Procedure of State Library Authority.—The State Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

CHAPTER III.

Department of Public Libraries.

12. Department of Public Libraries.—For the purposes of this Act, a Department of Public Libraries shall be constituted with a State Librarian as its head and such other officers and servants as the Government may by order specify.

13. Functions of the Department.—(1) Subject to the control of the State Government, the Department of Public Libraries shall be responsible for the administration of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Department shall—

(*a*) superintend and direct all matters relating to all public libraries ;

(*b*) promote the establishment of public library service so as to achieve the purposes of this Act ;

(*c*) supervise and direct all matters relating to libraries receiving aid from the State Government ;

(*d*) maintain State Registers of Libraries and of Librarians ;

(*e*) superintend, direct, and deal with the exercise of powers and the performance of duties by Local Library Authorities under this Act :

(*f*) ensure the proper utilisation of the Library Funds and library man-power of the State ;

(g) perform such other functions as may be entrusted to the Department by or under the provisions of this Act.

14. State Librarian.—(1) A whole-time officer having the prescribed qualifications to practise the library profession shall be appointed by the State Government as the State Librarian.

(2) The State Librarian shall,—

(*a*) function as the Librarian of the State Central Library ;

(*b*) superintend, direct, and deal with all matters relating to the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) and to the maintenance and service of the books sent under the said Act ;

(*c*) control the appointments, postings, and transfers of officers and servants in the State Library Service ;

(*d*) generally assist the State Library Authority in performing its functions ;

(*e*) exercise such other powers and perform such other duties as may be conferred or imposed on him by or under this Act.

15. State Library Service.—(1) Notwithstanding anything contained in any other law, all posts in the Department of Public Libraries, the State Central Library and every Local Library Authority shall be filled by appointment of persons belonging to the Mysore State Library Service.

(2) The Mysore State Library Service shall consist of the State Librarian, Chief Librarians of Cities and Districts, Librarians and such other classes and categories of posts as the State Government may from time to time determine. All members of the said service shall be Government servants, and their recruitment and conditions of service shall, subject to the provisions of Article 309 of the Constitution, be regulated by such rules as may be prescribed.

(3) The salary, allowances, gratuity, pension and other benefits of the members of the Mysore State Library Service shall be met from the Consolidated Fund of the State.

CHAPTER IV.

Local Library Authorities.

16. Constitution of Local Library Authorities.—(1) For the purpose of organising and administering Public

ibraries in the State, there shall be constituted Local ibrary Authorities,—

(*a*) for the Cities of Bangalore, Hubli-Dharwar, Mangalore, Mysore and Belgaum, and for such other urban area having a population of more than one lakh, as the State Government may by notification specify, called the ity Library Authority ; and

(*b*) for each revenue district, excluding the area for which a City Library Authority is constituted, called the istrict Library Authority :

Provided that the District Library Authority constituted for Bangalore District (Rural) shall organise and administer public libraries in Bangalore District Urban) also, excluding the City of Bangalore.

(2) Every Local Library Authority shall by the name of the area for which it is constituted, be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

17. Composition of City Library Authorities.— 1) Every City Library Authority shall consist of—

(*a*) the Mayor of the municipal corporation or the resident of the municipal council or other municipal body of the City who shall *ex-officio* be the Chairman of the uthority ;

(*b*) a principal of a First Grade College in the city nominated *ex-officio* by the State Government, who shall be the Vice-Chairman of the Authority ;

(*c*) two persons elected by the municipal corporation, municipal council or other municipal body of the city from ong its members ;

(*d*) one person nominated by the State Government from among the members of governing bodies of aided libraries in the city ;

(*e*) a Head Master of a High School in the city nominated *ex-officio* by the State Government ;

(*f*) one person nominated by the council of the city branch, if any, of the Mysore Library Association ;

(*g*) an officer of the Department of Public Instruction having jurisdiction over the city, nominated *ex-officio* by the State Government.

(*h*) two persons nominated by the State Government from among persons ordinarily resident in the city.

(2) The Chief Librarian of the city shall *ex-officio* be the Secretary of the City Library Authority and of the Committees of the said Authority.

18. Composition of District Library Authorities.— (1) Every District Library Authority shall consist of—

(*a*) the Deputy Commissioner of the district who shall *ex-officio* be the Chairman of the Authority ;

(*b*) the District Educational Officer the Educational Inspector of the district ;

(*c*) two persons elected from among its members by the District Development Council ;

(*d*) one person elected from among its members by each municipal council or other municipal body in the district with jurisdiction over a municipal area other than an area for which a City Library Authority is established having a population of not less than fifty thousand ;

(*e*) two persons nominated by the State Government from among the members of municipal councils or other municipal bodies in the district with jurisdiction over a municipal area having a population of less than fifty thousand ;

(*f*) one person nominated by the council of the District Branch, if any, of the Mysore Library Association ;

(*g*) one person nominated by the State Government from among the members of the Taluk Development Boards in the district ;

(*h*) two persons nominated by the State Government from among the members of the village panchayats and town panchayats in the district ;

(*i*) two persons nominated by the State Government from among the members of the governing bodies of aided libraries in the district ;

(*j*) a Principal of a First Grade College in the district nominated *ex-officio* by the State Government ;

(*k*) a Headmaster of a High School in the district nominated *ex-officio* by the State Government ;

(*l*) an officer of the Department of Public Instruction having jurisdiction over the district or a part thereof nominated *ex-officio* by the State Government ;

(*m*) three persons nominated by the State Government from among persons ordinarily resident in the district.

(2) The Vice-Chairman of the District Library Authority shall be elected by the members from among themselves.

(3) The Chief Librarian of the district shall *ex-officio* be the Secretary of the District Library Authority and of the Committees of the said Authority.

19. Nomination of members in default of election.—If any of the bodies referred to in section 17 or 18 does not by such period as may be prescribed elect or nominate a person to be a member of the City Library Authority or the District Library Authority, as the case may be, the State Government shall, by notification, nominate to the vacancy a person qualified for election thereto ; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

20. Term of office.—(1) Save as otherwise provided in this Act, the term of office of members of a Local Library Authority, other than *ex-officio* members, shall be for a period of three years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under sections 17, 18 and 19

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

21. Vacancies.—In the event of a vacancy arising out of death, resignation, disability or otherwise, before the expiry of the term of office of any member of a Local Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in section 17 or section 18, as the case may be, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

22. Disabilities for continuing as member.—If any member other than an *ex-officio* member of a Local Library Authority, during the period for which he has been nominated or elected,—

(*a*) absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority ; or

(*b*) in the case of a member elected by any body referred to in section 17 or section 18 ceases to be a member of the body concerned,

his office in the Authority shall become vacant.

23. Disqualifications.—A person shall be disqualified for being chosen as, and for being, a member of the Local Library Authority,—

(*a*) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been

relieved from the disqualification arising on account of such sentence ;

(*b*) if he is an undischarged insolvent ;

(*c*) if he is of unsound mind and stands so declared by a competent court.

24. Meetings of Local Library Authorities.—(1) Every Local Library Authority shall meet at least twice a year on dates to be fixed by the Chairman. One of such meetings shall be the annual meeting.

(2) The Chairman may also, whenever he thinks fit, convene a special meeting of the Authority for the transaction of urgent business.

(3) Subject to prescribed conditions, special meetings shall be convened by the Chairman to discuss matters of urgent importance upon a requisition by the members of the Authority.

(4) A Local Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

25. Powers and duties of Chairman and Vice-Chairman.—(1) The Chairman of a Local Library Authority shall,—

(*a*) preside at the meetings of the Authority ;

(*b*) watch over the financial and executive administration of the Authority and exercise general supervision and control.

(2) The Vice-Chairman of a Local Library Authority shall,—

(*a*) in the absence of the Chairman, preside at the meetings of the Authority ;

(*b*) exercise such powers and perform such duties of the Chairman as the Chairman may, from time to time, delegate to him.

26. Powers and functions of Local Library Authorities.—(1) It shall be the duty of every City Library Authority and every District Library Authority to provide library service to the persons residing in the area within its jurisdiction. The Library Authority shall in every City establish a City Central Library and Branch Libraries and in every district establish a District Central Library and branch libraries.

(2) For purposes of sub-section (1), a Local Library Authority may,—

(*a*) provide suitable lands and buildings for public libraries, and the furniture, fittings, equipment and other conveniences necessary for the purpose ;

(*b*) provide such libraries with books, periodicals, newspapers, maps, gramophone records, manuscripts, works and specimens of art and science, lantern slides, films, cinema projectors, recorders and the like ;

(*c*) with the previous sanction of the Government shift or close any public library ;

(*d*) accept any endowment or gift for any purpose connected with its activities :

Provided that no gift or endowment of an immovable property shall be accepted without the previous sanction of the State Government ;

(*e*) provide for lectures and conduct other activities as may be conducive to the carrying out of the purposes of this Act ;

(*f*) with the consent of the management and the previous sanction of the State Government acquire any library on such conditions as may be approved by the State Government ;

(*g*) with the sanction of the State Government do any other thing that may be conducive to the furtherance of the purposes of this Act ;

(*h*) exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act

27. **Library Development Plan.**—(1) Subject to general or special orders of the State Government, as soon as possible after a Local Library Authority is constituted and thereafter as often as may be required by the State Librarian, every Local Library Authority shall, and whenever it considers it necessary so to do, a Local Library Authority may, prepare a plan (hereinafter referred to as the 'Local Library Development Plan') for establishing libraries and spreading library service within the jurisdiction of such Authority in such form and manner and containing such particulars as may be prescribed.

(2) The salient features of every Local Library Development Plan prepared under sub-section (1) shall be published in such manner as may be prescribed along with a notice inviting objections and suggestions from all persons interested in the Plan within such period as may be specified in the notice. Any objection or suggestion which may be received from any person with respect to the Local Library Development Plan shall be considered by the Local Library Authority and such modifications in the Plan shall be made as the Authority deems fit.

(3) The Local Library Development Plan shall thereafter be sent to the State Librarian along with a copy of the objections and suggestions received under sub-section (2). The State Librarian shall with his comments on the Local Library Development Plan submit it to the State Government for sanction.

(4) The State Government may if it deems fit after ascertaining the views of the State Library Authority sanction the Local Library Development Plan with such alterations as it considers necessary. The State Government may on application by the Local Library Authority concerned, modify any Local Library Development Plan sanctioned under this sub-section.

(5) (*a*) As soon as may be after the State Government sanctions a Local Library Development Plan

under sub-section (4), the State Librarian shall in conformity with the provisions of the said Plan make an order called the Local Library Order for the area, specifying the Central Library and the Branch Libraries including branches, to be located in educational institutions, prisons and hospitals and the service stations, which shall be established and maintained by the Local Library Authority, the measures to be taken by the Local Library Authority for providing adequate library service to the people in the area and the stages in which such measures shall be taken.

(*b*) A Local Library Order made under clause (*a*) may be amended in consultation with the Local Library Authority, whenever the State Librarian considers it expedient to do so.

(6) Every Local Library Authority shall give effect to the Local Library Development Plan as sanctioned by the State Government and the Local Library Order made under sub-section (5).

28. Local Library Authority to appoint committees.—(1) Every Local Library Authority shall constitute the following committees by election from among its members, namely :—

(i) the Executive Committee ; and

(ii) the Finance Committee.

(2) A Local Library Authority may constitute committees for such other purposes as it deems fit.

(3) The Chairman of the Local Library Authority shall *ex-officio* be a member and Chairman of the Executive Committee, and the Finance Committee.

(4) (*a*) The Executive Committee shall be responsible for the executive functions of the Local Library Authority.

(*b*) The Finance Committee shall scrutinise proposals for increase of revenue, examine the receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Local Library Authority.

29. Advisory Library Committees.—(1) For the purpose of advising on local requirements relating to library service of each branch library and each service station in a village served by travelling library service, Advisory Committees shall be constituted in accordance with the provisions of this section.

(2) Every Branch Library Committee shall consist of,—

(*a*) the Branch Librarian who shall *ex-officio* be the Chairman and convener of the Committee;

(*b*) one person representing the area which the Branch Library serves, on the municipal council or other municipal body or the panchayat having jurisdiction over that area, elected by the body concerned;

(*c*) three teachers of educational institutions in the area in which the branch library is located, nominated by the Chief Librarian of the City or the Chief Librarian of the district, as the case may be;

(*d*) three persons from among the registered borrowers of the branch library nominated by the Chief Librarian of the City or the Chief Librarian of the district, as the case may be.

(3) Every Village Service Library Committee shall consist of—

(*a*) the Travelling Librarian visiting the service station in the village who shall *ex-officio* be the Chairman and convener of the Committee;

(*b*) two teachers of educational institutions in the area served by the service station, nominated by the Chief Librarian of the District;

(*c*) two persons from among the registered borrowers in the area served by the service

station, nominated by the Chief Librarian of the district.

(4) The nominated members of the Branch Library Committee and the Village Service Library Committee shall hold office for a period of three years or until their successors are nominated.

CHAPTER V.

FINANCE AND ACCOUNTS.

30. Library Cess.—(1) With effect from the date of commencement of this Act,—

(*a*) a library cess in the form of a surcharge on—

(i) tax on lands and buildings ;

(ii) tax on entry of goods into the local area for consumption, use or sale therein ;

(iii) tax on vehicles ;

(iv) tax on professions, trades, callings and employments ;

shall be levied in the area within the jurisdiction of every City Library Authority under the relevant laws relating to local authorities providing for the levy of such taxes, at the rate of three paise for every rupee of the taxes so levied ;

(*b*) a library cess in the form of a surcharge on tax on lands and buildings shall be levied in the area within the jurisdiction of every District Library Authority, under the relevant laws relating to local authorities providing for the levy of such tax at the rate of three paise for every rupee of the tax so levied.

(2) A City Library Authority or District Library Authority may, with the previous sanction of the State Government, by notification, increase the rate of library

cess levied on any item of tax specified in clause (*a*) or (*b*) of sub-section (1), subject to the condition that the rate shall not exceed six paise for every rupee of the tax levied.

(3) The cess levied under clause (*a*) or clause (*b*) of sub-section (1) or increased under sub-section (2) shall be collected by the municipal corporation, municipal council or other municipal body, or the village panchayat or other local authority having jurisdiction over the area as if the cess were a tax referred to in the said clause payable under the relevant laws for the time being in force in the area, and all the provisions of the said laws relating to the levy and collection of the said tax shall apply subject to such modifications as may be prescribed.

(4) The cess collected under sub-section (3) by every local authority shall be paid to the City Library Authority or the District Library Authority, as the case may be.

31. **Government grant to District Library Authority of a portion of land revenue.**—(1) The State Government shall make annually a grant to every District Library Authority of an amount equal to three per cent of the land revenue collection of the district.

(2) The amount granted to a District Library Authority under sub-section (1) shall be credited to the District Library Fund at such times and in such manner as may be prescribed.

(3) Land Revenue collection of a district for the purposes of sub-section (1) shall mean—

(*a*) until the revision settlement of land revenue under Chapter X of the Mysore Land Revenue Act, 1964, the land revenue determined on the basis of the average land revenue collection of the district for a period of three years preceding the date of such determination ;

(*b*) after the determination of land revenue on the basis of the aforesaid revision settlement, the land revenue collected during the year preceding the year for which the grant is made.

32. City and District Library Funds.—(1) Every City Library Authority and District Library Authority shall maintain a Fund called the City Library Fund and the District Library Fund, as the case may be, from which all its payments under this Act shall be met.

(2) There shall be credited to the City Library Fund and the District Library Fund, as the case may be, the following sums, namely :—

(*a*) the cess collected under sub-section (3) of section 30 ;

(*b*) the grant under section 31 ;

(*c*) contributions, gifts, and income from endowments, made to the Library Authority for the benefit of public libraries ;

(*d*) grant which the Central Government or the State Government may make ;

(*e*) funds and other amounts collected by the Local Library Authority under rules or bye-laws made under this Act.

33. State Library Fund.—(1) The State Library Authority shall maintain a Fund called the State Library Fund from which all its payments under this Act shall be met.

(2) There shall be credited to the State Library Fund the following sums, namely :—

(*a*) the grants made by the State Government to the State Library Authority to perform the duties entrusted to it ;

(*b*) grants which the Central Government may make ;

(*c*) contributions and gifts made to the State Library Authority ;

(*d*) funds and other amounts collected by the State Library Authority under the rules or bye-laws made under this Act.

34 Accounts.—(1) An account shall be kept of the receipts and expenses of the State Library Authority and of each City Library Authority and District Library Authority.

(2) The accounts shall be open to inspection, and shall be subject to audit, disallowance and surcharge and shall be dealt with in all other respects in such manner as may be prescribed.

CHAPTER VI.

State Central Library.

35. Vesting of Bangalore Public Library in the State Library Authority.—(1) With effect from such date as the State Government may by notification appoint (hereinafter referred to in this Chapter as the appointed day), the entire management and control of the Public Library, Bangalore, now vested in the Committee of Management of the Public Library, Bangalore, shall be vested in the State Library Authority.

(2) As from the appointed day, the Committee of Management of the Public Library, Bangalore, a society registered under the Mysore Societies Registration Act, 1904, now deemed to be registered under the Mysore Societies Registration Act, 1960, shall stand dissolved and all property, movable and immovable, and all rights, powers and

privileges of the said society which immediately before the appointed day belonged to or vested in the said society shall vest in the State Library Authority and shall be applied for the purposes specified in this Act and such other purposes as may be prescribed.

(3) As from the appointed day, all debts and liabilities of the said society shall stand transferred to and vest in the State Library Authority.

(4) Every employee of the said society shall, as from the appointed day, become an employee of the State Government and shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration, and upon the same terms and conditions, and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same, as an employee of the said society, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

36. Mysore State Central Library.—(1) As from the appointed day, the Public Library, Bangalore, shall be the Mysore State Central Library.

(2) (*a*) The Mysore State Central Library shall be maintained as a reservoir of books and other materials for the proper functioning of the State Library system.

(*b*) In addition to a general library, the State Central Library shall consist of the following sections, namely :—

(i) a State Bureau of Copyright Collections ;

(ii) a State Library for the Blind ;

(iii) a State Bureau of inter-library loans ;

(iv) a State Bibliographical Bureau ;

(v) a State Bureau of Technical Service;

(vi) such other sections as may be prescribed.

37. **Sections of State Central Library.**—(1) (*a*) One copy of each book received under the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) shall be kept in the State Central Library as a Bureau of Copyright.

(*b*) Copies of books in the Bureau of Copyright shall not be issued by way of loan of any kind but may be made available for reference in the library premises.

(2) (*a*) The production and storage of books, sound records of books and kindred materials for the blind, and the issue of such books and materials for the use of the blind shall be dealt with in the section relating to the State Library for the Blind.

(*b*) The State Central Library may collaborate with other Libraries for the Blind in India and undertake such work as may be necessary for purposes of such collaboration.

(3) (*a*) The State Bureau of inter-library loan shall implement such schemes of inter-library loans among the public libraries, academic libraries, State-owned libraries, aided libraries and the outlier libraries in the State as may be prescribed.

(*b*) The State Central Library may with the approval of the State Government, collaborate in any scheme of inter-State library loans.

(4) (*a*) The State Bibliographical Bureau shall undertake such bibliographical work as may be prescribed, and may for this purpose collaborate with Departments of Government and educational and other bodies in the State.

(*b*) The State Central Library may, with the approval of the State Government, collaborate with Bibliographical Bureaux or agencies in India and undertake such bibliographical work as may be necessary for purposes of such collaboration.

(*5*) (*a*) The State Bureau of Technical Service shall be maintained for centralised technical services, such as, acquisition, classification and cataloguing of books for public libraries, academic libraries, State owned libraries, aided libraries and outlier libraries, in accordance with such schemes as may be prescribed.

(*b*) The State Central Library may, with the approval of the State Government, collaborate with other similar Bureaux of Technical Service in India and undertake such technical work as may be necessary for purposes of such collaboration :

Provided that no scheme under sub-section (3) or sub-section (5) shall be implemented in respect of any library other than a library owned or controlled by the State, except with the concurrence of the authority which owns or controls such library.

CHAPTER VII.

Reports, Returns and Inspection.

38. Reports and returns.—Every Local Library Authority and every person in charge of a public library shall submit such reports and returns and furnish such information to the State Librarian or any person authorised by him in this behalf as the said librarian or authorised person may, from time to time, require.

39. Inspection of libraries.—The State Librarian or any person authorised by him in this behalf may inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and bye-laws made thereunder are duly carried out.

40. Annual Report.—(1) The State Librarian shall, in respect of each financial year, prepare an annual report of

the progress made by the Local Library Authorities during the year along with such information and particulars as may be prescribed and submit such report to the State Government before such date as the State Government may by order specify.

(2) The State Librarian shall, in respect of each financial year prepare an annual report of the activities of the State Library Authority during the year along with such information and particulars as may be prescribed and submit such report to the State Government before such date as the State Government may by order specify.

CHAPTER VIII.

MISCELLANEOUS.

41. Power to make rules.—(1) The State Government may, after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the method of election or nomination of members to the State Library Authority, the Local Library Authorities, the Branch Library Committees and the Village Service Library Committees ;

(*b*) the maintenance of a State Library Fund and the City and District Library Funds ;

(*c*) the administration, inspection and management of the State Central Library ;

(*d*) the maintenance of accounts by the State Library Authority and the Local Library Authorities and the publication of audited statement of accounts and the reports of auditors ;

(*e*) the grants-in-aid to aided libraries and the standards to be maintained by such libraries ;

(*f*) the maintenance of State Registers of Libraries, and of Librarians ;

(*g*) the constitution of committees by the State Library Authority and the Local Library Authorities ;

(*h*) the restrictions and conditions subject to which the State Library Authority or a Local Library Authority may enter into contracts, or acquire, hold or dispose of property.

(3) Every rule made under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

42. **Power of State Library Authority and Local Library Authorities to make bye-laws.**—(1) The State Library Authority and every Local Library Authority may, subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the State Government, by notification, make bye-laws generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely :—

(*a*) the admission of the public to the public libraries under the control of the State

Library Authority or the Local Library Authority subject to such conditions as may be specified in such bye-laws :

Provided that no fees shall be charged for such admission ;

(*b*) the guarantee or security to be furnished by persons desiring to use such libraries, against injury to, or misuse, destruction or loss of the property of such libraries ;

(*c*) the manner in which the property of such libraries may be used and the protection of such property from injury, misuse, destruction or loss ;

(*d*) the authority to be exercised by the officers and servants of the State Library Authority or the Local Library Authority for the purpose of exclusion or removal from any such library of any person who contravenes or does not comply with any provisions of this Act or any rule or bye-law made thereunder ;

(3) Every bye-law made under this section shall be subject to the condition of previous publication for a period of not less than thirty days, and such publication shall be in the official Gazette and in such other manner as may be prescribed.

(4) The State Government may by notification modify or cancel any bye-law made by State Library Authority or a Local Library Authority under this section :

Provided that before modifying or cancelling any bye-law, the State Government shall give the State Library Authority or the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

43. Offences and penalties.—Whoever —

(*a*) in a public library or other institution maintained under this Act acts in any manner likely to cause annoyance or disturbance to any person using such library or institution, or behaves in a disorderly manner or uses violent or abusive language in any such library or institution; or

(*b*) after due warning persists in remaining therein beyond the hours fixed for closing,

shall be liable to be removed from such library or institution and shall also be punishable with fine which may extend to rupees ten and for a second or subsequent offence with fine which may extend to rupees fifty.

44. Control of Local Library Authorities by Government.—(1) If, at any time, it appears to the State Government that a Local Library Authority has failed to perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, the State Government may communicate the particulars thereof to the Local Library Authority, and if the Local Library Authority omits to remedy such failure, excess or abuse or to give an explanation which in the opinion of the State Government is satisfactory within such time as the State Government may fix in this behalf, the State Government may supersede the Local Library Authority for such period as the State Government may direct.

(2) If a Local Library Authority is superseded—

(*a*) all the powers and duties of the Authority shall, during the period of supersession, be exercised and performed by such person or persons as the State Government may from time to time appoint in this behalf;

(*b*) all property vested in the Local Library Authority shall during the period of supersession, vest in the State Government; and

(*c*) on the expiry of the period of supersession, the Local Library Authority shall be reconstituted in the manner provided in this Act.

45. Liability of members for loss, waste or misapplication.—(1) Every member of a Local Library Authority shall be personally liable for the loss, waste or misapplication of any money or other property of the Authority to which he has been a party, or which has been caused or facilitated by his misconduct or neglect of his duty as a member.

(2) If after giving the mumber or members concerned a reasonable opportunity for showing cause to the contrary the State Librarian is satisfied that the loss, waste or misapplication of any money or other property of the Local Library Authority is a direct consequence of misconduct or neglect on his or their part, the State Librarian shall by order in writing direct such member or members to pay to the Local Library Authority before a specified date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid, it shall be recoverable as an arrear of land revenue.

(4) An appeal shall lie from the decision of the State Librarian to the Mysore Revenue Appellate Tribunal within such period as may be prescribed, and the decision of the Mysore Revenue Appellate Tribunal on such appeal shall be final.

46. Members and employees of Library Authorities to be public servants.—Every member of the State Library Authority or a Local Library Authority and every officer and servant employed under such authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

47. Savings of validity of acts and proceedings.—No act done, or proceedings taken under this Act shall be questioned merely on the ground,—

(*a*) of any vacancy or defect in the constitution of any Authority or any committee thereof; or

(*b*) of any defect or irregularity in such act or proceedings not affecting the merits of the case.

48. Provisions relating to suits, etc.—(1) No suit or other legal proceeding shall be instituted against the State Library Authority or a Local Library Authority or any of its officers or any person acting under its direction until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Authority or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed, and the name and place of abode of the intending plaintiff.

(2) No suit or other legal proceeding shall lie against the State Government, the State Librarian, the State Library Authority or a Local Library Authority, or any member, officer, servant or agent of such Authority acting under its direction, in respect of anything done or intended to have been done lawfully and in good faith under this Act or any rule, bye-law or order made thereunder.

49. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

50. Transfer of certain libraries.—(1) (*a*) With effect from such date as the State Government may by notification appoint (hereinafter referred to in this sub-section as the appointed day), the entire management and control of the Public Library, Mysore, now vested in the Committee of Management of the Public Library, Mysore, shall be vested in the Mysore City Library Authority.

(*b*) As from the appointed day, the Committee of Management of the Public Library, Mysore, a society registered under the Mysore Societies Registration Act, 1904, now deemed to be registered under the Mysore Societies Registration Act, 1960, shall stand dissolved and all property, movable and immovable, and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or vested in the said society shall vest in the Mysore City Library Authority and shall be applied for purposes specified in this Act and such other purposes as may be prescribed.

(*c*) As from the appointed day, all debts and liabilities of the said society shall stand transferred to and vest in the Mysore City Library Authority.

(*d*) Every employee of the said society shall, as from the appointed day, become an employee of the State Government and shall hold his office under the State Government a member of the Mysore State Library Service on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the said society, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

(2) (*a*) The State Government may by notification transfer the Mahatma Gandhi Public Library, Mercara, to the Coorg District Library Authority, with effect from such date as may be specified in such notification.

(*b*) With effect from the day on which such transfer takes place, all assets and liabilities appertaining to the said library shall stand transferred to and vest in the Coorg District Library Authority.

(*c*) With effect from the day on which such transfer takes place, every person employed by the Government in connection with the said public library shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same

remuneration and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same if the transfer had not taken place and shall continue to do unless and until his remuneration, terms and conditions are duly altered by the State Government.

(3) (*a*) Notwithstanding anything contained in section 47, with effect from such date as the State Government may by notification appoint (hereinafter referred to in this sub-section as the specified day), the entire management and control of Karnad Sadashiva Rao District Central Library, Mangalore shall stand transferred to the Mangalore City Library Authority.

(*b*) As from the specified day, the assets and liabilities of the South Kanara District Library Authority appertaining to the said District Central Library shall vest in the Mangalore City Library Authority, and the South Kanara District Library Authority in such proportion and in such manner as the State Government may direct.

(*c*) Every employee of South Kanara District Library Authority who was employed by the said Authority wholly or mainly in connection with the said District Central Library shall, as from the specified day, become an employee of the State Government and shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration, and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the South Kanara District Library Authority, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

51. Amendment of the Press and Registration of Books Act, 1867 in its application to the State of Mysore.—The Press and Registration of Books Act, 1867 (Central Act

XXV of 1867) shall, in its application to the State of Mysore, be amended as follows :—

(i) in the first paragraph of section 9, for clause (*a*), the following clause shall be substituted, namely :—

"(*a*) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, three such copies, and ";

(ii) in the last paragraph of section 9, for clause (i), the following clause shall be substituted, namely :—

" (i) any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, block prints or other engravings belonging to the book have been made, and three copies of the first or some preceding edition of which book have been delivered under this Act, or ";

(iii) in section 11, for the first sentence, the following sentence shall be substituted, namely :—

" Out of the three copies delivered pursuant to clause (*a*) of the first paragraph of section 9 of this Act, one copy shall be sent to the State Central Library, Bangalore, referred to in the Mysore Public Libraries Act, 1965, and the remaining two copies shall be disposed of in such manner as the State Government may, from time to time determine."

52. Repeal and savings.—(1) The Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) and the Hyderabad Public Libraries Act, 1955 (Hyderabad Act III of 1955) are hereby repealed.

(2) Notwithstanding such repeal—

(*a*) the members of the Local Library Authorities constituted under the Madras Public Libraries

Act, 1948, and holding office immediately before the commencement of this Act shall be deemed to be the members of the Local Library Authorities constituted under this Act and shall exercise all powers and perform all duties conferred on such Authorities in the respective areas in which they are functioning at such commencement until their present term expires or until new authorities are constituted under this Act, whichever is later ;

(*b*) anything done or any action taken (including any appointment or delegation made, fee or cess imposed, notification, order, instrument or direction issued, rule, regulation, form, or scheme framed) under the said Acts and in force at the commencement of this Act, shall be deemed to have been done or taken under the provisions of this Act and shall continue to be in force accordingly until they are superseded or modified by anything done or any action taken under this Act.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press Bhoma

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

Order No. LAW 25 LGN 64, dated Bangalore, 15th May 1965.

Ordered that the Mysore Civil Courts (Amendment) Act, 1965, which received the assent of the Governor on the Thirteenth day of May 1965, be published as Mysore Act No. 11 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 11 OF 1965.

(*First published in the* Mysore Gazette *on the Twentieth Day of May, 1965.*)

THE MYSORE CIVIL COURTS (AMENDMENT) ACT, 1965.

(*Received the assent of the Governor on the Thirteenth day of May 1965.*)

An Act to amend the Mysore Civil Courts Act, 1964.

WHEREAS it is expedient to amend the Mysore Civil Courts Act, 1964 (Mysore Act No. 21 of 1964) ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Civil Courts (Amendment) Act, 1965.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 29.—In section 29 of the Mysore Civil Courts Act, 1964 (Mysore Act 21 of 1964),—

(i) after sub-section (1), the following sub-section shall be and shall always be deemed to have been inserted, namely :—

"(1A) Notwithstanding anything in sub-section (1) or in any other law, any reference in any law or instrument to a Civil Court shall be deemed to be a reference to the corresponding Civil Court deemed to be established under this Act as specified in section 12 or to such Civil Court established under this Act, as the case maybe."

(ii) in sub-section (2), after clause (*e*), the following clause shall be inserted, namely :—

"(*ee*) appeals and proceedings connected therewith peuding before a District Court from the decrees and orders passed by a Civil Judge (Junior Division), other than a Joint Civil Judge (Junior Division) appointed or deputed to assist in the Court of a Cvil Judge (Senior Division) under section 23 of the Bombay Civil Courts Act, 1869, shall, on the date of commencement of the Mysore Civil Courts (Amendment) Act, 1965, stand transferred to the Court of the Civil Judge, and shall be disposed of by such Court in accordance with law as if such appeals or proceedings had been preferred to such Court;"

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bl'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

Order No. LAW 49 LGN 62, dated Bangalore, the 22nd May 1965,
(Jyeishta 1, Saka Era 1887).

Ordered that the Mysore Corneal Grafting Bill, 1965 which received the assent of the Governor, on the Thirteenth day of May 1965, be published as Mysore Act No. 12 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 12 OF 1965.

(*First published in the* Mysore Gazette *on the Twenty-seventh day of May 1965*).

THE MYSORE CORNEAL GRAFTING ACT, 1965.

(*Received the assent of the Governor on the Thirteenth day of May 1965*).

An Act to provide for the use of the eyes of deceased persons for surgical purposes.

WHEREAS it is expedient to provide for the use of the eyes of deceased persons for surgical purposes ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Corneal Grafting Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Authority for removal of eyes of deceased persons.—(1) If any person, either in writing at any time or orally in the presence of not less than two witnesses at any time has expressed a request that his eyes be used for surgical purposes after his death, the party lawfully in possession of his body after his death, may, unless it is proved that the request was subsequently withdrawn, either in writing or in the presence of two witnesses, authorise the removal of the eyes from the body for the said purposes.

(2) Without prejudice to the provisions of sub-section (1), the party lawfully in possession of the body of a

deceased person may authorise the removal of the eyes unless that party has reason to believe—

(*a*) that the deceased had expressed an objection to his eyes being so dealt with after his death, and had not withdrawn it ; or

(*b*) that the surviving relative of the deceased objects to the deceased's eyes being so dealt with.

Explanation.—For purposes of this clause "relative" means any of the following relatives of the deceased, namely, husband, wife, parent, son, daughter, brother or sister and includes any other, person who is related to the deceased (i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees, or (ii) by marriage with any of the relatives aforesaid The expressions "lineal consanguinity" and "collateral consanguinity" shall have the meaning assigned to them in the Indian Succession Act, 1925 (Central Act 39 of 1925) and degrees of relationship shall be computed in the manner laid down in that Act.

(3) An authority given under this section in respect of any deceased person shall be sufficient warrant for the removal of the eye from the body and its use for the purposes aforesaid.

3. Removal of eyes.—(1) No person other than a legally qualified medical practitioner (whether in Government service or not) possessing a post-graduate qualification in Ophthalmology or has been trained in enucleation procedure in an Ophthalmic Department of an institution approved or notified by the State Government, shall remove the eye from the body of a deceased person.

(2) The medical practitioner authorised to remove the eye from the body of a deceased person under sub-section (1) shall before such removal satisfy himself by a personal examination of the body that life is extinct .

(3) After the removal of the eye from the body, the medical practitioner concerned shall keep it in a thermos flask filled with ice and hand over the same to the nearest eye bank of an institution approved by the State Government.

4. Removal of eyes not to be authorised in certain cases.— No authority for the removal of eyes shall be given under section 2,—

(a) if the person competent to give such authority has reason to believe that an inquest may be required to be held on the body ; or

(b) in respect of the body of a deceased person by a person entrusted by another person with the body for the purpose only of its internment or cremation.

5. Authority of removal of eyes in the case of unclaimed bodies in certain institutions.—(1) In the case of a body lying in a hospital, prison, nursing home or other institution and not claimed by any of the near relatives of the deceased, an authority for removal of the eyes may be given in the form prescribed by rules made under this Act, by the person having the control or management of the hospital, prison, nursing home or institution.

(2) No authority under sub-section (1) shall be given—

(i) within half-an-hour from the time of death in case no facility for the cold storage of the dead body is available in the hospital, prison, nursing home or other institution ; or

(ii) within four hours from the time of death in case facility for the cold storage of the dead body is available in the hospital, prison, nursing home or other institution.

(3) No authority shall be given under sub-section (1) of the person empowered to give such authority has reason to believe that the deceased has near relatives although no near relative has claimed the body of the deceased within the time specified in this behalf.

6. Savings.—(1) Nothing in this Act shall be construed as rendering unlawful any dealing with the body or with any part of the body of a deceased person which would have been lawful if this Act had not been passed.

(2) Any authority for the removal of eyes given in accordance with the provisions of this Act shall not be deemedt o be contravention of the provisions of section 297 of the Indian Penal Code (45 of 1860).

7. Rules.—(1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule, or botk Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bloe.

2B—2

Reg. No. BG 202.

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, MONDAY, JUNE 7, 1965
(JYEISHTA 17, SAKA ERA 1887).

No. 131

NOTIFICATION.

No. GAD 7 ORB 65, DATED BANGALORE, THE 7TH JUNE 1965.

In exercise of the powers conferred by Clause (3) of Article 166 of the Constitution of India and Rule 5 of the Mysore Government Rules of Business, and in supersession of all previous orders on the subject, the Governor of Mysore, on the advice of the Chief Minister, is pleased to allot the business of Government among the Ministers, as follows :—

1 SHRI S. NIJALINGAPPA, *Chief Minister.*	1 General Administration Department. 2 Planning from the Planning, Housing and Social Welfare Department. 3 Irrigation from the Public Works and Electricity Department. 4 Law Department including Courts.
2 SHRI S. R. KANTHI, *Minister for Education.*	

3	SHRI B. D. JATTI, *Minister for Food.*	Food Department.
4	SHRI M. V. KRISHNAPPA, *Minister for Revenue.*	1 Revenue Department excluding Food. 2 Animal Husbandry, Veterinary Services and Milk Supply Schemes from the Agriculture and Forest Department.
5	SHRI M. V. RAMA RAO, *Minister for Home.*	Home Department excluding Road Transport Corporation, Tourism and Publicity.
6	SHRI R. M. PATIL, *Minister for Development, Panchayati Raj and Municipal Administration.*	1 Development and Panchayati Raj from the Development, Panchayati Raj and Co-operation Department. 2 Municipal Administration from the Public Health, Labour and Municipal Administration Department.

7	SMT. YASHODHARA DASAPPA, *Minister for Social Welfare.*	1 Social Welfare, *i.e.*, Amelioration of Scheduled Castes and Scheduled Tribes, Ex-Criminal Tribes, Nomadic Tribes and other Backward Classes. 2 Social Welfare Board. 3 Certified Schools. 4 After-care Associations. 5 Juvenile Delinquency from the Planning, Housing and Social Welfare Department.
8	SHRI K. MALLAPPA, *Minister for Industries and Commerce.*	1 Commerce and Industries Department excluding Sericulture, Filatures and Silk Factories. 2 Industrial Co-operatives.
9	DR. K. NAGAPPA ALVA, *Minister for Health.*	Public Health and Medical from Public Health, Labour and Municipal Administration Department.
10	SHRI VEERENDRA PATIL, *Minister for Public Works.*	Public Works and Electricity Department including Power and excluding Irrigation.
11	SHRI B. RACHIAH, *Minister for Forests and Fisheries.*	1 Forests, Sylviculture ; Forest Industries; Game Sanctuaries Conservation and Control of Wild Animals and Birds ; under the Agriculture and Forest Department. 2 Fisheries from the Agriculture and Forest Department. 3 Sericulture including Silk Factories and Filatures from the Commerce and Industries Department.
12	SHRI RAMAKRISHNA HEGDE, *Minister for Finance.*	1 Finance Department including Sales-tax. 2 Excise and Prohibition from the Home Department. 3 Information and Publicity from the Home Department.
13	SHRI K. PUTTASWAMY, *Minister for Co-operation and Housing.*	Co-operation from the Development, Panchayati Raj and Co-operation Department and Housing from the P.H.S. Dept.
14	SHRI D. DEVARA[illegible]	1 [illegible] Public Health, Labour and[illegible]

Reg. No. BG 202.

The Mysore Gazette

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PART IV—2-B

BANGALORE MONDAY, JUNE 7, 1965
(JYEISHTA 17, SAKA ERA 1887).

No 132

NOTIFICATION.

No. GAD 7 ORB 65, BANGALORE DATED, THE 7TH JUNE 1965.

In supersession of all previous orders on the subject, the Governor of Mysore has been pleased to allocate, on the advice of the Chief Minister, subjects as shown to the nine Deputy Ministers.—

1 SHRI H. R. ABDUL GAFFAR, *Deputy Minister for Finance.*	Public Accounts Committee, Audit and Appropriation Accounts, Reports, Treasuries and Treasury Procedure, Pensions, Small Savings Scheme and Taxation Bills under the Finance Department and Wakfs from Revenue Department.
2 SMT. GRACE TUCKER, *Deputy Minister for Education.*	Primary Education, Archæology, Training Institutions from the Education Department.
3 SHRI Y. RAMACHANDRA, *Deputy Minister for Municipal Administration, Development and Panchayatiraj.*	1 Municipal Administration from the Public Health, Labour and Municipal Administration Department. 2 Development and Panchayatiraj from the Development,

4	SHRI KONDAJJI BASAPPA, *Deputy Minister for Information and Excise.*	Information, Publicity and Excise a Home Department.
5	SHRI ALUR HANUMANTHAPPA *Deputy Minister for Minor Irrigation.*	Minor Irrigation from the Public
6	SHRI R. DAYANANDASAGAR *Deputy Minister for Sericulture.*	Sericulture from the Commerce and I

7	SHRI MAQSOOD ALI KHAN, *Deputy Minister for Mines and Geology.*	Geology and Mines and Board of Mineral Development from the Commerce and Industries Department.
8	SHRI K. PRABHAKAR, *Deputy Minister for Social Welfare.*	Social Welfare from the Planning, Housing and Social Welfare Department.
9	SHRI MALLIKARJUNA-SWAMY, *Deputy Minister for Health.*	Health from the Public Health, Labour and Municipal Administration Department.

By Order and in the name of the Governor of Mysore,

K. S. N. MURTHY,
Deputy Secretary to Government,
G.A.D. (Services).

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The Mysore Gazette

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PART IV—2-B

BANGALORE MONDAY, JUNE 7, 1965
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No 132

NOTIFICATION.

Printed by the Director of Printing, Stationery and Publications at the Govt. Press, Bangalore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

REVENUE SECRETARIAT.

NOTIFICATION.

No. RD 121 LAD 68, Bangalore, dated 17th June 1965.

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Bhoodan Yagna Act, 1963 (Mysore Act No. 34 of 1963), the Government of Mysore hereby appoints the 1st July, 1965 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Mysore,

N. H. SIDDIQUI,
Under Secy. to Govt.,
Revenue Department.,

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 4 LGN 62, Bangalore, dated 24th July 1965.

Ordered that the Code of Criminal Procedure (Mysore Amendment) Act, 1965, which received the assent of the President on the Twelfth day of July 1965, be published as Mysore Act No. 13 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ACT No. 13 OF 1965.

(First published in the Mysore Gazette *on the Twenty-nineth day of July* 1965).

THE CODE OF CRIMINAL PROCEDURE (MYSORE AMENDMENT) ACT, 1965.

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Mysore.

(Received the assent of the President on the Twelfth day of July 1965).

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), in its application to the State of Mysore, to provide for a uniform law for the separation of the performance of judicial and executive functions by officers in the State and for certain other matters hereinafter appearing;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Code of Criminal Procedure (Mysore Amendment) Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette appoint.

2. Repeal of certain Acts in force in the Bombay Area of the State.—(1) The following enactments in force in the Bombay Area of the State are hereby repealed:—

(i) The Bombay Separation of Judicial and Executive Functions Act, 1951 (Bombay Act 23 of 1951);
(ii) The Bombay Separation of Judicial and Executive Functions (Supplementary) Act, 1954 (Bombay Act 8 of 1954);
(iii) The Bombay Criminal Procedure (Amendment) Act, 1953 (Bombay Act 34 of 1953);

(iv) The Code of Criminal Procedure (Bombay Amendment) Act, 1954 (Bombay Act 71 of 1954);
(v) The Code of Criminal Procedure (Bombay Amendment) Act, 1955 (Bombay Act 39 of 1955);
(vi) The Code of Criminal Procedure (Bombay Amendment) Act, 1956 (Bombay Act 20 of 1956).

(2) As from the date this Act comes into force the amendments made in the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) (hereinafter referred to in this Act as the principal Act,) by the enactments repealed by sub-section (1) (hereinafter in this section referred to as the "repealed Acts"), shall cease to continue and shall be omitted from the Code and such of the provisions thereof as were affected by the repealed Acts shall stand revived to the extent to which they would have otherwise continued in operation, but for the passing of the repealed Acts; and after such revival, the amendments made to the Code by this Act shall become operative :

Provided that in respect of the provisions which cease to continue by virtue of this section, the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899), shall be applicable, as if such provisions were enactments repealed by a Mysore Act and in respect of provisions which cease to continue, but are re-enacted by this Act, the provisions of section 24 of the said Mysore General Clauses Act, 1899, shall be applicable as if the said provisions had been repealed but re-enacted by a Mysore Act.

3. Substitution of new section for section 6.—For section 6 of the principal Act, the following section shall be substituted, namely :—

"**6. Classes of Criminal Courts.**—Besides the High Court and the Courts constituted under any law other than this Code for the time being in force, there shall be two classes of Criminal Courts in the State of Mysore, namely :—

(I) Courts of Session ;
(II) Courts of Magistrates."

4. Insertion of a new section 6A.—After section 6 of the principal Act, the following heading and section shall be inserted, namely .—

"A-1—Classes of Magistrates.

6-A. Classes of Magistrates.—There shall be the following classes of Magistrates, namely :—

I. Judicial Magistrates.—

(1) Magistrates of the First Class;
(2) Magistrates of the Second Class;
(3) Magistrates of the Third Class;
(4) Special Judicial Magistrates.

II. Executive Magistrates.—

(1) District Magistrates;
(2) Sub-Divisional Magistrates;
(3) Taluk Magistrates;
(4) Special Executive Magistrates."

5. Substitution of new section for section 7.—For section 7 of the principal Act, the following section shall be substituted, namely :—

"7. Sessions Divisions and Districts.—(1) The State of Mysore shall consist of Sessions Divisions; and every Sessions Division shall, for the purposes of this Code, be a district or consist of districts.

(2) The State Government may alter the limits or the number of such divisions and districts.

(3) The Sessions Divisions and districts existing when the Code of Criminal Procedure (Mysore Amendment) Act, 1965, comes into force shall be sessions divisions and districts respectively, unless and until they are so altered".

6. Amendment of section 10.—In section 10 of the principal Act,—

(i) in sub section (1), the words "Magistrate of the first class, who shall be called the" shall be omitted;

(ii) in sub-section (2),—

(a) for the words "any Magistrate of the First Class to be an Additional District Magistrate", the words "one or more Additional District Magistrates", shall be substituted; and

(b) for the words "such Additional District Magistrate" the words "an Additional District Magistrate" shall be substituted;

(iii) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) For the purposes of sub-section (3) of section 192, and sub-sections (3) and (3A) of section 528, an Additional District Magistrate shall be deemed to be subordinate to the District Magistrate."

7. Substitution of new sections for sections 12, 13 and 14.—For sections 12, 13 and 14 of the principal Act, the following sections shall be substituted, namely :—

"**12. Judicial Magistrates.**—(1) The State Government may appoint as many persons as it thinks fit, to be Magistrates of the first, second or third class in any district, and the Sessions Judge, subject to the control of the High Court, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code :

Provided that the power of appointment of Magistrates under this sub-section shall on the issue of a public notification under Article 237 of the Constitution, be exercised subject to the terms of the said notification.

(2) Except as otherwise provided by such definition, the jurisdiction and powers of such Magistrates shall extend throughout such district.

13. Appointment of Sub-Divisional Magistrates and Taluk Magistrates and their Jurisdiction.—(1) The State

Government may appoint as many persons as it thinks fit to be Sub-Divisional Magistrates and Taluk Magistrates in any district.

(2) The State Government, or, subject to the control of the State Government, the District Magistrate, may place,—

(i) one or more Sub-Divisional Magistrates in charge of a Sub-Division, and

(ii) one or more Taluk Magistrates in charge of a Taluk.

14. Special Magistrates.—(1) The State Government may, in consultation with the High Court, confer upon any person who holds or has held any judicial post under the Union or a State, or possesses such other qualifications as may, in consultation with the High Court, be specified in this behalf by the State Government by notification in the official Gazette, all or any of the powers conferred or conferable by or under this Code, on a Judicial Magistrate in respect to particular cases or to a particular class or classes of cases, or in regard to cases generally in any local area. Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term as the State Government may, in consultation with the High Court, by general or special order, direct.

(2) The State Government may also appoint Executive Magistrates for particular areas or for the performance of particular functions and confer upon them such powers as it deems fit. Such Magistrates shall be called Special Executive Magistrates and shall be appointed for such term as the State Government may, by general or special order direct :

Provided that no powers shall be conferred under this sub-section on any police officer below the grade of Assistant or Deputy Superintendent and no power shall be conferred on a police officer, except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being

brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

(3) The State Government may delegate, with such limitations as it may think fit, to any other officer under its control the powers conferred by sub-section (2)."

8. Amendment of section 15.—In sub-section (1) of section 15 of the principal Act, for the word "Magistrates" the words "Judicial Magistrates" shall be substituted.

9. Amendment of section 16.—In section 16 of the principal Act, for the words "The State Government may, or, subject to the control of the State Government, the District Magistrate", the words "The High Court, subject to the approval of the State Government" shall be substituted.

10. Amendment of section 17.—In section 17 of the principal Act,—

(i) in sub-section (1),—

(*a*) for the words "All Magistrates" the words "All Judicial Magistrates" shall be substituted ;

(*b*) the figures "13" shall be omitted ;

(*c*) for the words "District Magistrate", the words "Sessions Judge" shall be substituted ;

(*d*) the word "and" at the end shall be omitted ;

(ii) Sub-section (2) and sub-section (5) shall be omitted ;

(iii) in the marginal note to the said section, for the word "Magistrates", the words "Judicial Magistrates" and for the words "District Magistrate", the words "Sessions Judge" shall be substituted.

(iv) in sub-section (4) for the words "by the District Magistrate, and such Judge or Magistrate" the words "by the Sessions Judge or Additional or Assistant Sessions Judge of an adjoining

sessions Division, and such Judge" shall be substituted.

11. Insertion of new sections 17A and 17B.—After section 17 of the principal Act, the following sections shall be inserted, namely:—

"**17A. Subordination of Executive Magistrates.**—(1) All Executive Magistrates appointed under section 13 or section 14 shall be subordinate to the District Magistrate; and every Taluk Magistrate shall also be subordinate to the Sub-Divisional Magistrate, subject, however, to the general control of the District Magistrate.

(2) The District Magistrate may, from time to time, make rules or give special orders, consistent with this Code, as to the distribution of business among the Magistrates subordinate to him and as to allocation of business to an Additional District Magistrate.

17B. Inferior Criminal Courts.—Courts of Session and Courts of Magistrates shall be criminal courts inferior to the High Court and Courts of Magistrates shall be criminal courts inferior to the Court of Session."

12. Amendment of section 29B.—In section 29B of the principal Act,—

(*i*) the words "a District Magistrate or" shall be omitted;

(*ii*) for the words "by any Magistrate specially empowered by the State Government", the words "by any Judicial Magistrate specially empowered by the State Government" shall be substituted.

13. Amendment of section 30.—In section 30 of the principal Act, the words "District Magistrate", at both the places where they occur, shall be omitted.

14. Amendment of section 36.—In section 36 of the principal Act, for the words "District Magistrates, Sub-Divisional Magistrates and Magistrates of the first, second and third classes", the words "Judicial and Executive Magistrates other than Special Judicial and Special Executive Magistrates" shall be substituted.

15. Substitution of new section for section 37.—For section 37 of the principal Act, the following section shall be substituted, namely :—

"**37.—Additional powers conferrable on Magistrates.**—(1) In addition to his ordinary powers, the State Government may invest any Magistrate with any of the powers as specified in the Fourth Schedule.

(2) The State Government may authorise a District Magistrate to invest any Magistrate subordinate to him with any of the powers specified in Part II of the Fourth Schedule."

16. Amendment of section 38.—In section 38 of the principal Act, for the words "conferred on the District Magistrate by", the words "delegated to the District Magistrate under" shall be substituted.

17. Amendment of section 57.—In sub-section (2) of section 57 of the principal Act, for the words "before a Magistrate, if so required", the words "before a Magistrate having jurisdiction, if so required" shall be substituted.

18. Amendment of section 63.—In section 63 of the principal Act, for the words "special order of a Magistrate", the words "special order of a Magistrate having jurisdiction" shall be substituted.

19. Amendment of section 78.—In sub-section (1) of section 78 of the principal Act, after the words "or Sub-Divisional Magistrate", the words "or Magistrate of the First Class" shall be inserted.

20. Amendment of section 88.—In section 88 of the principal Act, in sub-section (6C) the words "of the first or second class" shall be omitted.

21. Amendment of section 106.—In sub-section (1) of section 106 of the principal Act, the words "a District Magistrate, a Sub-Divisional Magistrate" shall be omitted.

22. Amendment of section 107.—In sub-section (1) of section 107 of the principal Act, for the words "Magistrate of the first class", the words "a Magistrate of the first class specially empowered by the State Government in this behalf" shall be substituted.

23. Amendment of section 108.—In section 108 of the principal Act, after the words "District Magistrate" the words "or Sub-Divisional Magistrate" shall be inserted.

24. Amendment of section 109.—In section 109 of the principal Act, for the words "Magistrate of the first class", the words "a Magistrate of the first class specially empowered by the State Government in this behalf" shall be substituted.

25. Amendment of section 126.—In section 126 of the principal Act,—

(i) in sub-section (1), for the words "to a Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class", the words "to the court by which an order was made to give security" shall be substituted; and for word 'his' the word 'its' shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) On such application being made, the Court shall issue summons or warrant, as it may think fit, requiring the person for whom such surety is bound, to appear or to be brought before it."

26. Amendment of section 133.—In sub-section (1) of section 133 of the principal Act,—

(i) for the words "a Magistrate of the First Class", the words "a Magistrate of the first class specially empowered by the State Government in this behalf" shall be substituted;

(ii) in the last paragraph, for the words "to appear before himself or some other Magistrate of the first or second class" the words "to appear before himself or some other Executive Magistrate" shall be substituted.

27. Amendment of section 143.—In section 143 of the principal Act, for the words "A District Magistrate or Sub-Divisional Magistrate or any other Magistrate empowered by the State Government or the District Magistrate in this behalf", the words "A Magistrate of the First Class specially empowered by the State Government in this behalf or a District Magistrate or Sub-Divisional Magistrate, or any other Executive Magistrate empowered either by the State Government or the District Magistrate in this behalf" shall be substituted.

28. Amendment of section 144.—In sub-section (1) of section 144 of the principal Act, for the words and brackets "any other Magistrate, (not being a Magistrate of the third Class)", the words "any other Executive Magistrate" shall be substituted.

29. Amendment of section 164.—In sub-section (1) of section 164 of the principal Act, for the words "any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf by the State Government" the words "any District Magistrate, any Sub-Divisional Magistrate, any Magistrate of the first class, or any other Magistrate specially empowered by the State Government in this behalf" shall be substituted.

30. Amendment of section 167.—In section 167 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Any Magistrate giving such order shall forward a copy of his order with his reasons for making it, to the Sessions Judge."

31. Amendment of section 170.—In section 170 of the principal Act, sub-section (3) shall be omitted.

32. Amendment of section 186.—In sub-section (1) of section 186 of the principal Act, for the words "a Presidency Magistrate, a District Magistrate, a Sub-Divisional Magistrate or if he is specially empowered in this behalf by the State Government, a Magistrate of the first class" the words " a Judicial Magistrate " shall be substituted.

33. Amendment of section 187.—In sub-section (1) of section 187 of the principal Act, for the words "by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District or Sub-Divisional Magistrate" the words "the Magistrate issuing the warrant shall send the person arrested to the Sessions Judge', shall be substituted.

34. Amendment of section 190.—In section 190 of the principal Act,—

(1) in sub-section (1),

(a) the words "District Magistrate or Sub-Divisional Magistrate," shall be omitted;

(*b*) for the words "any other Magistrate" the words " any Magistrate of the first class, or any Magistrate of the second or third class" shall be substituted;

(2) sub-sections (2) and (3) shall be omitted.

35. Amendment of section 192.—In section 192 of the principal Act,—

(1) sub-section (1) shall be omitted;

(2) in sub-section (2),—

(*a*) for the words "Any District Magistrate" the words "A Sessions Judge" shall be substituted;

(*b*) for the words "in his district", the words "in the Sessions Division" shall be substituted.

36. Amendment of section 206.—In sub-section (1) of section 206 of the principal Act, the words "District Magistrate, Sub-Divisional Magistrate" shall be omitted.

37. Amendment of section 249.—In section 249 of the principal Act, for the words "a Presidency Magistrate, a Magistrate of the first class or with the previous sanction of the District Magistrate, any other Magistrate" the words "a Judicial Magistrate" shall be substituted.

38. Amendment of section 260.—In sub-section (1) of section 260 of the principal Act, the clause "(*a*) District Magistrate" shall be omitted.

39. Amendment of section 337.—In the proviso to sub-section (1) of section 337 of the principal Act, the words "other than the District Magistrate" shall be omitted; and for the words "sanction of the District Magistrate", the words "sanction of the Sessions Judge" shall be substituted.

40. Amendment of section 346.—In sub-section (1) of section 346 of the principal Act, after the words "District Magistrate" the words "or Sessions Judge, as the case may be," shall be inserted.

41. Amendment of section 349.—In section 349 of the principal Act,—

(1) in sub-section (1), for the words "to the District Magistrate or Sub-Divisional Magistrate, to whom he is

subordinate", the words "to a Magistrate of the first class specially empowered in this behalf by the State Government" shall be substituted;

(2) in sub-section (1A), for the words "the District Magistrate or Sub-Divisional Magistrate", the words, brackets and figure "the Magistrate empowered under sub-section (1)" shall be substituted.

42. Amendment of section 380.—In section 380 of the principal Act, the words "or a Sub-Divisional Magistrate" shall be omitted.

43. Amendment of section 406A.—In section 406A of the principal Act, for clauses (*b*) and (*c*), the following clause shall be substituted, namely :—

"(*b*) if made by any other Magistrate, to the Court of Session."

44. Substitution of new section for section 408.—For section 408 of the principal Act, the following section shall be substituted, namely :—

"**408. Appeal from sentence of Assistant Sessions Judge or any Magistrate.**—Any person convicted on a trial held by an Assistant Sessions Judge or a Judicial Magistrate or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by a Judicial Magistrate may appeal to the Court of Session :

Provided that—

(1) when in any case an Assistant Sessions Judge or a Judicial Magistrate specially empowered under section 30 passes any sentence of imprisonment for a term exceeding four years, the appeal of all or any of the accused convicted at such trial shall lie to the High Court ; and

(2) when any person is convicted for an offence under section 124A of the Indian Penal Code, the appeal shall lie to the High Court."

45. Amendment of section 413.—In section 413 of the principal Act, for the words "District Magistrate or other Magistrate", the words "a Magistrate" shall be substituted.

46. Amendment of section 435.—In section 435 of the principal Act,—

(i) in sub-section (1), the words "or District Magistrate, or any Sub-Divisional Magistrate empowered by the State Government in this behalf" and the explanation to the said sub-section shall be omitted;

(ii) sub-sections (2) and (4) shall be omitted.

47. Amendment of section 436.—In section 436 of the principal Act, for the words "may direct the District Magistrate by himself or by any of the Magistrates subordinate to him, to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make," the words "may direct the Judicial Magistrate to make" shall be substituted.

48. Amendment of section 437.—In section 437 of the principal Act, the words "or District Magistrate" and "or Magistrate" wherever they occur shall be omitted.

49. Amendment of section 438.—In section 438 of the principal Act, the words "or District Magistrate" shall be omitted.

50. Insertion of new section 476C.—After section 476B of the principal Act, the following section shall be inserted, namely :—

"**476C. Power to order costs.**—A criminal court dealing with an application made to it for filing a complaint under section 476 or section 476A, and a court dealing with an appeal under section 476B and the High Court dealing with an application for revision shall have power to make such order as to costs as may be just :

Provided that no such order shall be made against the Government or any public servant acting on behalf of the Government."

51. Amendment of section 479.—In section 479 of the principal Act, the words "District Magistrate" shall be omitted.

52. Amendment of section 488.—In sub-section (1) of section 438 of the principal Act, the words "the District Magistrate" and "a Sub-divisional Magistrate" shall be omitted.

53. Amendment of section 515.—In section 515 of the principal Act,—

(i) the words "or District Magistrate" shall be omitted; and

(ii) for the words "the District Magistrate", the words "the Sessions Judge" shall be substituted.

54. Insertion of new Chapter XLII A.—After Chapter XLII of the principal Act, the following Chapter shall be inserted, namely :—

"CHAPTER XLII—A.

OF COSTS TO BE PAID BY THE COMPLAINANT OR INFORMANT

516AA. Power to order costs against complainant or informant.—(1) If in any case instituted upon complaint or upon information given to a Police Officer or to a Magistrate, the accused is ordered to be discharged or acquitted by any court (including a court of appeal or revision) or if in any such case the proceedings are quashed by the High Court by an order made under section 561A, and if such court is of the opinion that the complaint was made or the information was given without any reasonable and probable cause,

it may, at the time of making such order, if the complainant or informant is present, call upon him forthwith to show cause why he should not be ordered to pay costs to such person ; or if the complainant or informant is not present, direct the issue of notice to him to appear and show cause as aforesaid.

(2) The court shall record and consider any cause which such complainant or informant may show and may make an order directing him to pay the whole or any part of such costs. Such costs may include any expenses incurred in respect of witnesses and of pleader's fee which the court considers reasonable.

(3) The court may, by the order directing the payment of costs under sub-section (2), further order that in default of payment, the person ordered to pay such costs shall suffer simple imprisonment for a period not exceeding thirty days.

(4) When any person is imprisoned under sub-section (3), the provisions of sections 68 and 69 of the Indian Penal Code, shall, so far as may be, apply.

(5) No person who has been directed to pay costs by an order made under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him.

(6) Where any such order is made by a magistrate and the amount directed to be paid exceeds fifty rupees, the complainant or the informant may, within sixty days from the date of the order, appeal against it to the Court of Session.

(7) In cases where the order is appealable under sub-section (6), the costs shall not be paid before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided and in other cases, the costs shall not be paid before the expiration of one month from the date of the order."

55. Amendment of section 524.—In sub-section (1) of section 524 of the principal Act, for the words "of a Magistrate of the first class", the words "of an Executive Magistrate" shall be substituted.

56. Amendment of section 528.—In section 528 of the principal Act,—

(i) in sub-section (2), for the words "District Magistrate or Sub-divisional Magistrate", the words "Sessions Judge" shall be substituted;

(ii) in the marginal note to sub-section (2), for the words "District or Sub-divisional Magistrate", the words "Sessions Judge" shall be substituted;

(iii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) Where the District Magistrate authorised under sub-section (3) withdraws any case from any Magistrate subordinate to him, he may inquire into or try such case himself or refer it for inquiry or trial to any other Magistrate subordinate to him and competent to inquire into or try the same.";

(iv) sub-section (6) shall be omitted.

57. Insertion of new sections 539C and 539D.—After section 539B of the principal Act, the following sections shall be inserted, namely:—

"**539C. Other powers of magistrates.**—Any magistrate shall be entitled to attest, verify or authenticate documents brought before him for the purpose of attestation, verification or authentication, as the case may be, and to affix seals thereon, as may be prescribed by any law for the time being in-force.

539D. Attestation, etc., of documents and use of seal by Justice of the Peace.—Any Justice of the Peace (not being a legal practitioner) shall be entitled to attest, verify or authenticate documents brought before him for the purpose

of attestation, verification or authentication, as the case may be, and to affix such seal thereon as may be prescribed by the State Government by notification in the official Gazette."

58. Insertion of new sections 554-A and 554-B.—After section 554 of the principal Act, the following sections shall be inserted namely :—

"**554A. Seal of Courts.**—Every Criminal Court under this Code shall use a seal which shall bear thereon the Mysore State Emblem and shall be in such form, of such dimensions and with the name of the Court in such languages as the State Government may by order in the official Gazette determine.

554B. Holidays.—The Criminal Courts in the State or in any area of the State shall be closed on such days as may be notified by the State Government in the official Gazette as public holidays for the whole State or for such area in the State."

59. Amendment of section 559.—In sub-section (2) of section 559 of the principal Act, for the words "the District Magistrate" the words "the Sessions Judge" shall be substituted.

60. Amendment of section 561.- -In section 561 of the principal Act, for the words "District Magistrate" in both the places where they occur, the words "a Magistrate of the first class" shall be substituted.

61. Amendment of section 562.—In the proviso to sub-section (1) of section 562 of the principal Act, the words "or Sub-divisional Magistrate" shall be omitted.

62. Amendment of section 565.—In sub-section (1) of section 565 of the principal Act, the words "District Magistrate, Sub-Divisional Magistrate" shall be omitted.

63. Amendment of Schedule II—In column 8 of Schedule II to the principal Act,—

(i) for the words "Any Magistrate" wherever they occur, the words "Any Judicial Magistrate" shall be substituted;

(ii) in the entry relating to section 124A, the words "or District Magistrate" shall be omitted;

(iii) in the entry relating to section 376, for the words "District Magistrate", the words "Magistrate of the First Class" shall be substituted;

(iv) in the entry relating to section 509, in the third column, for the words "Shall not", the word "May" shall be substituted; and

(v) in the entry relating to section 510, in the third column, for the word "Ditto", the words "Shall not arrest without warrant" shall be substituted.

64. Amendment of Schedule III.—In Schedule III to the principal Act, –

(a) in Part I,—

(i) after item (14), the following item shall be inserted, namely :—

'(14AA) Power to issue process for persons within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.'

(ii) after item (14A), the following item shall be inserted, namely:—

'(14B) Power to stop proceedings when no complaint, section 249'."

(iii) in item (17), for the words "District Magistrate." the words "Session Judge" shall be substituted,

(b) in Part III,—

(i) after item (1), the following item shall be inserted, namely :—

"(1A) Power to direct warrants to land-holders, section 78."

(ii) items (4), (5) and (6a) shall be omitted;

(iii) after item (7b), the following item shall inserted namely :—

"(7c) Power to take cognisance of offences upon complaint, upon police report and without complaint, section 190."

(iv) item (9) shall be omitted."

(c) after Part III, the following Part shall be inserted, namely :—

"**IIIA. Ordinary powers of a Taluk Magistrate.**— (1) Power to arrest or direct the arrest of, and to commit to custody, a person committing an offence in his presence, section 64.

(2) Power to arrest, or direct the arrest in his presence, of an offender, section 65.

(3) Power to endorse a warrant, or, to order removal of an accused person arrested under a warrant, sections 83, 84 and 86.

(4) Power to require search to be made for letters and telegrams, section 95.

(5) Power to issue search warrant, section 96.

(6) Power to endorse a search warrant and order delivery of things found, section 99.

(7) Power to command unlawful assembly to disperse, section 127.

(8) Power to use civil force to disperse unlawful assembly, section 128.

(9) Power to require military force to be used to disperse unlawful assembly, section 130.

(10) Power to authorise detention of a person during police investigation, section 167.

(11) Power to recover penalty on forfeited bond, section 514; and to require fresh security, section 514A.

(12) Power to make order as to disposal of property, section 517.

(13) Power to sell perishable property, section 525."

(*d*) in Part IV,—

(i) for item (1), the following item shall be substituted, namely :—

"(1) The ordinary powers of a Taluk Magistrate".

(ii) after item (2), the following items shall be inserted, namely :—

"(2a) Power to issue search warrant otherwise than in the course of an inquiry, section 98.

(2b) Power to issue search warrant for discovery of persons wrongfully confined, section 100.

(2c) Power to require security to keep the peace, section 107.

(2d) Power to require security for good behaviour, section 108.

(2e) Power to require security for good behaviour, section 109."

(iii) after item (3), the following items shall be inserted, namely :—

"(4) Power to discharge sureties, section 126A.

(4a) Power to make orders as to local nuisances, section 133.

(4b) Power to make order, etc. in possession cases, sections, 145, 146 and 147."

(iv) after item (8), the following item shall be inserted, namely :—

"(8a) Power to record statements and confessions during a police investigation, section 164"

(v) for item (9), the following item shall be substituted, namely :—

"(9) Power to hold inquests, section 174."

(vi) items (12) to (16) (both inclusive) shall be omitted.

(vii) item (19) shall be omitted

(e) **In Part V,—**

(i) items (1a), (7), (8), (9), (9a), (10), (11), (12), (13), (14) and (19) shall be omitted.

(ii) in item (4), the words "in case of sedition" shall be omitted.

65. Substitution of new Schedule for Schedule IV.—For Schedule IV to the principal Act, the following Schedule shall be substituted, namely :—

"SCHEDULE IV

(*See* sections 37 and 38)

PART I

Additional powers with which Magistrates may be invested. By the State Government.

I. Powers with which a Magistrate of the First Class may be invested :—

(1) Power to require security to keep the peace, section 107.

(2) Power to require security for good behaviour, section 108.

(3) Power to require security for good behaviour, section 109.

(4) Power to require security for good behaviour, section 110.

(5) Power to make orders as to local nuisances, section 133.

(6) Power to make orders prohibiting repetition of nuisances, section 143.

(7) Power to try summarily section 260.

(8) Power to pass sentence on proceedings recorded by a Magistrate of the Second Class or Third Class, section 349.

(9) Power to try cases under section 124A of the Indian Penal Code.

II. Powers with which a Magistrate of the Second Class may be invested :—

(1) Power to record statements and confessions during a police investigation, section 164.

(2) Power to authorise detention of a person in the custody of the police during a police investigation, section 167.

(3) Power to hold inquests, section 174.

(4) Power to take cognizance of offences upon complaint, section 190.

(5) Power to take cognizance of offences upon police reports, section 190.

(6) Power to take cognizance of offences without complaint, section 190.

(7) Power to commit for trial, section 206.

(8) Power to make order as to first offenders, section 562.

III. Powers with which a Magistrate of the Third Class may be invested :—

(1) Power to record statements and confessions during a police investigation, section 164.

(2) Power to hold inquests, section 174.

(3) Power to take cognizance of offences upon complaint, section 190.

(4) Power to take cognizance of offences upon police reports, section 190.

(5) Power to take cognizance of offences without complaints, section 190.

IV. Powers with which a Taluk Magistrate may be invested :—

(1) Power to make orders prohibiting repetitions of nuisances, section 143.

(2) Power to make orders under section 144.

(3) Power to record statements and confessions during a police investigation, section 164.

(4) Power to hold inquests, section 174.

(5) Power to sell property alleged or suspected to have been stolen, etc., section 524.

PART II

By a District Magistrate.—Powers with which a Taluk Magistrate may be invested :—

(1) Power to make orders prohibiting repetitions of nuisances, section 143.

(2) Power to make orders under section 144.

(3) Power to hold inquests, section 174."

66. Amendments to certain Acts specified in the Schedule.—The Acts specified in the Schedule appended to this Act (hereinafter called the Schedule) in their application to the State of Mysore are hereby amended to the extent mentioned in the third column of the Schedule.

67. Amendments not to render invalid notifications, orders, etc., issued before commencement of the Act.—The provisions of this Act, which amend the Code of Criminal Procedure, 1898, and any Act specified in the Schedule so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule, regulation or instrument duly made or issued or anything duly done before the commencement of this Act; and any such notification, order, commitment, attachment, bye-law, rule, regulation or instrument or thing done may be revoked.

varied or undone in the like manner, to the like extent and in the like circumstances, as if it had been done after the commencement of this Act, by a competent authority and in accordance with the provisions then applicable to such case.

68. **Saving.**—(1) Save as provided in this section, nothing in this Act shall be deemed to affect,—

(*a*) the validity, invalidity, effect or consequences of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred before such date;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment; and

any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment may be imposed in accordance with the provisions of the relative enactments as amended by this Act.

(2) All legal proceedings pending before a magistrate or court on the date on which this Act comes into force shall, if such magistrate or court ceases to have jurisdiction in respect of such proceedings under the provisions of the relative enactment as amended by this Act, stand transferred to the magistrate or court having jurisdiction under the relative enactment as amended by this Act, and shall be heard and disposed of by such magistrate or court and such magistrate or the court shall have all the powers and jurisdiction thereof as if they had been originally instituted before such magistrate or in such court.

SCHEDULE

(*See* section 67)

Sl. No. (1)	Short title (2)	Extent of amendment (3)
1	The Press and Registration of Books Act, 1867.	In section 1, for the wo ds, ' "Magistrate" means any person exercising the full powers of a mag stra e and inclu les a magis rate of Police', the wo ds, "Magistrate" means Judicial Magistrate' shall be substituted.
2	The Sarais Act, 1867	In section 14, for the word, "Magistrate" the words, "Judicial Magistrate" shall be substitute l.
3	The Ind'an Chris'ian Marriage A_t, 1872.	In section 7, for the words, "Magistrate of the district" the words, "District Magistrate" shall be substituted.
4	The Indian Fisheries Act, 1897.	In section 7, for the wor l, "Magi trate" the words "Judicial Magistrate", shall be substituted.
5	The Indian Electricity Act, 1910.	In section 54, for the words, "a Magistrate", the word-, "an Executive Magistrate" shall be substituted.
6	The Lunacy Act, 1912	In section 3, for clause (6), the following clause shall be substituted, namely:— "(6) Magistrate" means a Judicial Magistrate".
7	The Payment of Wages Act, 1936.	In section 15 for the words "Stipendiary Magistrate", the words "Judicial Magistrate" shall be substituted.
8	The Minimum Wages Act, 1948.	In sub-section (1) of section 20, for the words "stipendiary Magistrate" the words "Judicial Magistrate" shall be substituted.
9	The Madras Coffee Stealing Prevention Act, 1878.	(i) In section 6, for the word, "Magistrate" the word, "Executive Magistrate" shall be substituted. (ii) For the word, "Magistrate" occurring in sections 9, 10, 11 and 13, the words "Judicial Magistrate" shall be substituted.

Sl. No. (1)	Short title (2)	Extent of amendment (3)
10	The Madras Public Health Act, 1939.	(i) In section 46, for the words and brackets "a Magistrate" (not being a Magistrate of the third class) the words, "an Executive Magistrate" shall be substituted. (ii) In section 75, for the words, "any Magistrate not being a Magistrate of the third class" the words "any Executive Magistrate" shall be substituted. (iii) In section 76, in clause (*a*) of sub-section (3), for the words "a Magistrate" the words, "an Executive Magistrate" shall be substituted. (iv) In section 141, for the words, "nearest Magistrate", the words, "nearest Judicial Magistrate" shall be substituted.
11	The Madras Compulsory Labour Act, 1858.	In section 2, for the word "Magistrate" at both the places in which it occurs the words "Judicial Magistrate" shall be substituted.
12	The Mysore Coffee Stealing Prevention Act, 1878.	For the word "Magistrate" wherever it occurs, the words "Judicial Magistrate" shall be substituted.
13	The Land Acquisition Act, 1894.	(i) In section 46, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted. (ii) In section 47, for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted.
14	The Mysore Lepers Act, 1925.	(i) In section 7,— (*a*) in clause (b) of sub-section (1), for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted; (*b*) in sub-section (2), for the word "Magistrate" at the two places where it occurs, the words "Executive Magistrate" shall be substituted.

Sl. No. (1)	Short title (2)	Extent of amendment (3)
		(ii) In section 8, in sub-section (1), for the words " Magistrate of the First class or to any other Magistrate ", the words " any other Executive Magistrate " shall be substituted.
15	The Mysore Public Health Act, 1944.	(i) In section 47, for the words and brackets "to a Magistrate (not being a Magistrate of the third class)", the words " to an Executive Magistrate " shall be substituted. (ii) In section 68, for the words and brackets " Magistrate (not being a Magistrate of the third class) ", the words " an Executive Magistrate ". shall be substituted. (iii) In section 75, for the words " any Magistrate" the words " any Executive Magistrate" and for the words " a Magistrate " wherever it occurs, the words " an Executive Magistrate" shall be substituted. (iv) In section 76, for the words " any Magistrate " the words " any Executive Magistrate " shall be substituted. (v) In section 77, in clause (a) of sub-section (3), for the words " before a Magistrate ", the words " before an Excutive Magistrate " shall be substituted. (vi) In section 143, in clause (b), for the word " Magistrate ", the words " a Judicial Magistrate " shall be substituted.
16	The Mysore Prohibition of Beggary Act, 1944.	(i) For the words " the Magistrate " occurring in sections 15 and 16 and in sub-section (1) of section 18, the words " the Executive Magistrate ' shall be substituted. (ii) For the word " Magistrate " occurring in sub-section (2) of section 18 and in section 20, the words " Judicial Magistrate " shall be substituted.

Sl. No. (1)	Short title (2)	Extent of amendment (3)
17	The Mysore Lotteries and Prize Competitions Control and Tax Act, 1951.	In section 18, (a) in clause (i) for the words "a Magistrate of the First Class", the words "an Executive Magistrate" shall be substituted. (b) in clause (c), for the word "Magistrate" the words "Judicial Magistrate" shall be substituted.
18	The Mysore Police Act, 1963.	(i) In section 67, for the word "Magistrate" the words "Judicial Magistrate" shall be substituted. (ii) In section 71, for the word "Magistrate the words "Judicial Magistrate" shall be substituted, (iii) In section 72, for the word "Magistrate" the words "Executive Magistrate" shall be substituted. (iv) In section 121, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.
19	The Mysore Prisons Act, 1963 (Mysore Act 33 of 1963).	In sub-section (2) of section 57, for the words "before a Magistrate", the words "before a Judicial Magistrate" shall be substituted.
20	The Coorg Registration of Births and Deaths Act, 1932.	In section 18, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.
21	The Coorg Agricultural Pests and Diseases Act, 1933.	(i) In section 15, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted. (ii) In section 16, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.
22	The Hyderabad Ferries Act, 1314 Fasli.	In section 29, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.
23	The Hyderabad Cattle Trespass Act, 1337 Fasli.	(i) In section 18, in sub-section (1), for the word "Magistrate,' the words "Judicial Magistrate" shall be substituted. (ii) In section 21, for the words "Taluq Magistrate", the words "Judicial Magistrate' shall be substituted.

Sl. No. (1)	Short title (2)	Extent of amendment (3)
24	The Prevention of Beggary Act, 1350 Fasli.	In section 2, in sub-section (2), for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted.
25	The Hyderabad Fisheries Act, 1356 Fasli.	In section 6, in sub-section (2), for the words "a Magistrate", the words "a Judicial Magistrate" shall be substituted.
26	The Hyderabad Registration of Births and Deaths Regulation, 1359 Fasli.	For the word "Magistrate" wherever it occurs, the words "Judicial Magistrate" shall be substituted.
27	The Hyderabad Leprosy Act, 1954.	(i) In section 7, in clause (b), for the words "before a Magistrate" the words "before an Executive Magistrate" shall be substituted. (ii) In section 8, the words "Magistrate of the First Class or to any other" shall be omitted. (iii) In section 9, in the proviso, for the words "the Magistrate", the words "Judicial Magistrate" shall be substituted. (iv) In section 10, (a) in sub-section (1), for the words 'the Magistrate", the words "the Judicial Magistrate" shall be substituted; (b) sub-section (3) shall be omitted. (v) In section 11, for the words "before the Magistrate", the words "before the Judicial Magistrate" shall be substituted.

By Order and in the name of the Governor of Mysore,

M. A. SRIKRISHNA,

Joint Secretary to Government,
Law Department.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 8 LGN 65, Bangalore, dated 24th July 1965.

Ordered that the Mysore Land Reforms (Amendment) Act, 1965, which received the assent of the President on the 18th day of July 1965, be published as Mysore Act No. 14 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT NO. 14 OF 1965.

(First published in the Mysore Gazette *on the Twenty-ninth day of July 1965.)*

THE MYSORE LAND REFORMS (AMENDMENT) Act, 1965.

(Received the assent of the President on the Eighteenth day of July 1965.)

An Act to amend the Mysore Land Reforms Act, 1961.

WHEREAS it is expedient to amend the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Mysore Land Reforms (Amendment) Act, 1965.

(2) It shall come into force at once.

2. Amendment of section 2.—In section 2 of the Mysore Land Reforms Act, 1961 (hereinafter referred to as the principal Act),—

(1) in sub-section (A),—

(*a*) for clause (30), the following clause shall be substituted, namely:—

"(30) "seaman" means a person including a master, pilot or apprentice, employed or engaged as a member of the crew of a ship or sailing vessel to which the Merchant Shipping Act, 1958 (Central Act 44 of 1958) applies;"

(*b*) after clause (31), the following clause shall be inserted, namely:—

"(31A) "soldier" means a person in the service of the Armed Forces of the Union and includes in the case of a soldier who has died while engaged in operations for the defence of India,

the father, the mother, the spouse, the child and the grand child who were dependent upon such soldier at the time of his death ;

Provided that if a question arises whether any person is a soldier or whether any soldier has died while engaged in operations for the defence of India, such question shall be decided by the State Government, and its decision shall be final ;"

(*c*) for clause (34), the following clause shall be substituted, namely :—

"(34) "tenant" means an agriculturist who holds land on lease from a landlord and includes,—

(i) a person who is deemed to be a tenant under section 4 ;

(ii) a person who was protected from eviction from any land by the Mysore Tenants (Temporary Protection from Eviction) Act, 1961;

(iii) a person who is a permanent tenant ; and

(iv) a person who is a protected tenant.

Explanation.—A person who takes up a contract to cut grass, or to gather the fruits or other produce of any land, shall not on that account only be deemed to be a tenant ;";

(2) in sub-section (B), for the words and figures "the Mysore Land Revenue Code, 1888, or any corresponding law in force in any area of the State", the words and figures "the Mysore Land Revenue Act, 1964" shall be substituted.

3. Amendment of section 5.—In clause (v) of proviso (b) to sub-section (1) of section 5 of the principal Act, for the words "a serving member of the Armed Forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted.

4. Amendment of section 7.—In sub-section (1) of section 7 of the principal Act, the words "for a period of six consecutive years" shall be omitted.

5. Amendment of section 13.—In section 13 of the principal Act, sub-section (4) shall be omitted.

6. Amendment of section 14.—In section 14 of the principal Act,—

(1) in sub-section (1), for the words "other than land held by a permanent tenant", the words, figures, letter and brackets "other than land referred to in the first proviso to clause (29) of sub-section (A) of section 2" shall be substituted;

(2) in sub-section (6),—

(*a*) after category (ii), the following categories shall be inserted, namely:—

"(iii) a widow ;

"(iv) an unmarried woman ;" ;

(*b*) after clause (b), the following clauses shall be inserted, namely:—

"(*c*) in the case of category (iii), she remarries ;

(*d*) in the case of category (iv), she marries :"

7. Amendment of section 15.—In section 15 of the principal Act,—

(1) in the heading for the words "members of Armed Forces" the words "soldiers and seamen" shall be substituted ;

(2) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Where the landlord is a soldier or seaman—

(*a*) he shall be entitled to resume land to the extent of the ceiling area whether his tenant is a protected tenant or not ;

(*b*) he shall be liable to file the statement under sub-section (1) of section 14 and his tenant shall be competent to make an application under sub-section (1) of section 58,—

(i) in the case of a soldier in service in the Armed Forces of the Union, within one

year from the date on which he is released from the Armed Forces or is sent to the Reserve ;

(ii) in the case of the father, mother, spouse, child or grand child of a soldier, within one year from the date of the death of such soldier ;

(iii) in the case of a seaman, within one year from the date on which he ceases to be a seaman ;

(*c*) after a certificate is issued in respect of any land under sub-section (1) of section 14, he shall be granted possession of such land as soon as may be after making an application for such possession, but the tenants shall not be dispossessed before the crops, if any, grown on such land by such tenants are harvested."

(3) In sub-section (2), for the words "serving member of the armed forces", the words "a soldier or seaman" shall be substituted.

8. Amendment of section 16.—In section 16 of the principal Act, after clause (10), the following clauses shall be inserted, namely :—

"(10A) If any person has after the 18th November 1961 and before the appointed day transferred any land, otherwise than by partition, then, in calculating the extent of land owned by such person for purposes of the preceding clauses, the area so transferred shall be taken into consideration, and land exceeding the resumable area so calculated shall be deemed to be non-resumable land, and such person shall not be entitled to resume such non-resumable land.

Explanation.—For purposes of this clause, a land shall be deemed to have been transferred, if it has been transferred by act of parties (whether by sale, gift, mortgage with possession, exchange, lease or any other disposition) made *inter vivos*.

(10B) Notwithstanding anything contained in clauses (1) to (10 (both inclusive), or section 142, the extent of land, if any, resumable, by any landlord in Bombay Area, shall be subject to the restrictions and conditions specified in the Bombay Tenancy and Agricultural Lands Act, 1948, as in force in the Bombay Area on the 1st November 1956.

(10C) Notwithstanding anything contained in clauses (1) to (10, (both inclusive), or section 142, the extent of land, if any, resumable, by any landlord in the Hyderabad Area, shall be subject to the restrictions and conditions specified in the Hyderabad Tenancy and Agricultural Lands Act, 1950, as in force in the Hyderabad Area on the 1st November 1956."

9. Amendment of section 21.—In clause (*a*) of sub-section (2) of section 21 of the principal Act, for the words "a serving member of the armed forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted.

10. Amendment of section 22.—In section 22 of the principal Act,—

(1) in sub-section (1), after the words "order of a court of law", the words and figures "or anything contained in any enactment or law repealed by section 142 or in any other law in force before the commencement of such enactment or law" shall be inserted;

(2) in sub-section (3), for the words, "a serving member of the armed forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted.

11. Substitution of new section for section 25.—For section 25 of the principal Act, the following section shall be substituted, namely:—

"**25. Surrender of land by tenant.**—(1) No tenant shall surrender any land held by him as such, and no landlord shall enter upon the land surrendered by the tenant, without the previous permission in writing of the Tribunal.

(2) Permission under sub-section (1) shall be granted if, after making such inquiry as may be prescribed, the Tribunal is satisfied that the proposed surrender is *bona fide* and the land surrendered does not exceed the extent of land which the landlord could have resumed from his tenant under section 14; in other cases, the permission shall be refused.

(3) Where permission is refused in any case, and the tenant gives a declaration in writing relinquishing his rights in the land, such land shall be deemed to be surplus land and the provisions of sections 65 to 79 shall *mutatis mutandis* apply to such land as if such land were surplus land in excess of the ceiling laid down in section 63 or section 64."

12. Amendment of section 42 .—In sub-section (4) of section 42 of the principal Act, for the words and figures "Indian Limitation Act, 1908", the words and figures "Limitation Act, 1963" shall be substituted.

13. Amendment of section 44 .—In sub-section (1) of section 44 of the principal Act, for the words "all lands leased to permanent tenants", the words, figures, brackets and letter "all lands leased to permanent and other tenants referred to in the first proviso to clause (29) of sub-section (A) of section 2" shall be substituted.

14. Amendment of section 45 .—In section 45 of the principal Act,—

(1) In sub-section (1), the words "in respect of lands in the Bombay, Mysore and Hyderabad Areas and Coorg District and to a ryotwari patta in the Madras Area and Bellary District" shall be omitted ;

(2) in sub-section (2), the words "or for ryotwari patta" shall be omitted ;

(3) in sub-sections (3), (4), (5) and (6), the words "or to a ryotwari patta" shall be omitted.

15. Amendment of section 46.—In section 46 of the principal Act, the words "or holder of ryotwari patta" shall be omitted.

16. Amendment of section 47.—In sub-section (1) of section 47 of the principal Act, for the words "The land-owner", the words and figures "Save as provided in section 106, the land-owner" shall be substituted.

17. Amendment of section 48.—In section 48 of the principal Act,—

(1) in clause (*a*) of sub-section (1), the words "or to ryotwari pattas, as the case may be", shall be omitted;

(2) in sub-section (2), the words "or to have a ryotwari patta, as the case may be" shall be omitted;

(3) in sub-section (3), the words "or to have a ryotwari patta" and "or to have a ryotwari patta, as the case may be" shall be omitted;

(4) in sub-section (4), the words "or to have a ryotwari patta, as the case may be", "or to a ryotwari patta, as the case may be", and "or granted a ryotwari patta" shall be omitted;

(5) in clause (*b*) of sub section (5), the words "or to ryotwari pattas, as the case may be" shall be omitted.

18. Amendment of section 49.—In section 49 of the principal Act, the words "or to the ryotwari patta, as the case may be" shall be omitted.

19. Amendment of section 50.—In sub-section (1) of section 50 of the principal Act, after the words "the encumbrance in respect of such land shall", the words and figures "save as provided in section 106" shall be inserted.

20. Amendment of section 51.—In section 51 of the principal Act,—

(1) for the words "The compensation", the words and figures "Save as provided in section 106, the compensation" shall be substituted;

(2) in clause (*a*), for the words "ten thousand rupees", the words "two thousand rupees" shall be substituted; and

(3) in clause (*b*), for the words "ten thousand rupees" in the two places where they occur, the words "two thousand rupees" shall be substituted.

21. Amendment of section 53.—In sub-section (1) of section 53 of the principal Act, the words "or to a ryotwari patta" shall be omitted.

22. Amendment of section 54.—In sub-section (1) of section 54, of the principal Act, the words "or to a ryotwari patta" shall be omitted.

23. Amendment of section 55.—In section 55 of the principal Act,—

(1) in sub-section (1), the words "or has become a holder of a ryotwari patta" and "or grant of ryotwari patta, as the case may be" shall be omitted;

(2) in sub-section (2), the words "or to a ryotwari patta" shall be omitted.

(3) in sub-section (3), the words "or to a ryotwari patta, as the case may be," shall be omitted.

24. Amendment of section 56.—In section 56 of the principal Act, the words "or to a ryotwari patta, as the case may be," shall be omitted.

25. Amendment of section 57.—In sub-section (1) of section 57 of the principal Act,—

(i) for the words "a serving member of the Armed Forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted;

(ii) for clause (iii), the following clauses shall be substituted, namely :—

"(iii) by a soldier within one year from the date on which he is released from the Armed Forces or is sent to the Reserve;

(iv) by a seaman, within one year from the date on which he ceases to be a seaman."

26. Amendment of section 59.—In section 59 of the principal Act, the words "or to a ryotwari patta" shall be omitted.

27. Amendment of section 60.—In section 60 of the principal Act, the words "or granted a ryotwari patta" shall be omitted.

28. Amendment of section 61.—In section 61 of the principal Act,—

(1) in sub-section (1), the words "or ryotwari patta" shall be omitted ;

(2) in sub-section (2), the words "or holder of ryotwari patta" shall be omitted.

29. Amendment of section 62.—In section 62 of the principal Act, the words "or granted a ryotwari patta" and the words "or grant" in the two places where they occur shall be omitted.

30. Amendment of section 63.—In section 63 of the principal Act,—

(1) in the explanation to clause (*a*) of sub-section (5), after the words "fruit bearing trees", the words "other than coconut and arecanut trees" shall be inserted ;

(2) after sub-section (6), the following sub-section shall be inserted, namely :—

"(6A) Notwithstanding anything contained in the preceding sub-sections, if any person has, after the 18th November 1961 and before the appointed day transferred any land, otherwise than by partition or by sale to the tenant of such land in conformity with any law in force at the time, then, in calculating the ceiling area which that person is entitled to hold, the area so transferred shall be taken into consideration, and land exceeding the ceiling area so calculated shall be deemed to be in excess of the ceiling area, notwithstanding that the land remaining with him may not in fact be in excess of the ceiling area.

If by reason of such transfer the person's holding is less than the area so calculated to be in excess of the ceiling area, then all his land shall be deemed to be surplus land, and the provisions of sections 66 to 76 shall, as far as may be, apply to the surrender to, and vesting in, the State Government, of such excess land.

Explanation.—For the purposes of this sub-section, a land shall be deemed to have been transferred, if it has been transferred by act of parties (whether by sale, gift, mortgage with possession, exchange, lease or any other disposition) made *inter vivos*."

31. Amendment of section 66.—In section 66 of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

"Provided that if a person holding land in such area is a soldier in service in the Armed Forces of the Union or a seaman, a declaration shall be filed within two years from the date notified under clause (*a*) or clause (*b*), as the case may be."

32. Amendment of section 77.—In section 77 of the principal Act, the words "or as holder of ryotwari patta" shall be omitted.

33. Insertion of new section 81A.—After section 81 of the principal Act, the following section shall be inserted, namely :—

"**81A. Declaration to be made before the registering authority in certain cases.**—(1) No document relating to any transfer of land either by sale, gift, exchange, lease, mortgage, surrender, agreement, settlement, or otherwise, shall be registered unless a declaration in writing is made in duplicate in such form as may be prescribed and filed by the transferee before the registering authority under the Indian Registration Act, 1908 (Central Act XVI of 1908), as to the total extent of land held by him.

(2) The registering authority referred to in sub-section (1) shall forward within such time and in such manner as may be prescribed, one copy of the declaration referred to in sub-section (1), to the prescribed officer, within whose jurisdiction the land which is the subject matter of the transfer or the major part thereof is situated.

(3) On receipt of the copy of the declaration under sub-section (2), the prescribed officer may obtain such information as may be necessary and take such action as he deems fit in accordance with the provisions of this Act, and in accordance with such rules as may be made in this behalf."

34. Amendment of section 104.—In the explanation to section 104 of the principal Act,—

(1) in clause (ii), the words "not exceeding one hundred acres in extent" shall be omitted ;

(2) in clause (iii), for the words "the area cultivated with such crop not exceeding one ceiling area", the words "the area cultivated with such crop by such person" shall be substituted.

35. Amendment of section 107.—In section 107 of the principal Act,—

(1) in the heading for the words "Government lands" the words "certain lands" shall be substituted ;

"(2) (*a*) for the words "from Government", the words "from the Government or lands belonging to or held on lease from religious or charitable institutions managed by or under the control of the State Government, or lands belonging to or held on lease from, a public trust or a society for public educational purpose created or formed before the 18th November 1961 and in existence on the date of commencement of the Mysore Land Reforms (Amendment) Act, 1965" shall be substituted ;

(*b*) the following explanation shall be added at the end, namely :—

"*Explanation.*—For the purposes of this section (*a*) "public trust" means an express or constructive trust for public educational purpose ; and

(*b*) "society" means a society established for a public educational purpose and which is registered or deemed to be registered under the Mysore Societies Registration Act, 1960."

36. Amendment of section 111.—In section 111 of the principal Act, the explanation shall be omitted.

37. Amendment of section 115.—In sub-section (2) of section 115 of the principal Act, for the words and figures "the Mysore Land Revenue Code, 1888, or other corresponding law in force in any area of the State", the words and figures "the Mysore Land Revenue Act, 1964" shall be substituted.

38. Amendment of section 116.—In sub-section (2) of section 116 of the principal Act, for the words and figures "the Mysore Land Revenue Code, 1888, or any corresponding law in force in any area of the State", the words and figures "the Mysore Land Revenue Act, 1964" shall be substituted.

39. Amendment of section 122.—In section 122 of the principal Act, for the words and figures "Indian Limitation Act, 1908", the words and figures "Limitation Act, 1 3" shall be substituted.

40. Amendment of section 125.—In section 125 of the principal Act,—

(1) after sub-section (2), the following sub-sections shall be inserted, namely :—

"(2A) If any person who is under an obligation to furnish any return or information under this Act

or any rule made thereunder, furnishes any return or information which he knows or has reason to believe to be false, he shall, on conviction by a magistrate, be punished with fine which may extend to one thousand rupees.

(2B) If any person makes any declaration before the registering authority under sub-section (1) of section 81A, which he knows or has reason to believe to be false, he shall, on conviction by a magistrate, be punished with fine which may extend to one thousand rupees.

(2C) If any person contravenes any provision of this Act which is not punishable under any of the preceding sub-sections or wilfully contravenes any lawful order passed under this Act, he shall, on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

(2D) If any person, after the date of vesting in the Government of any land under any provision of this Act and before the disposal of such land under this Act, cuts or causes to be cut, trees on the land, or removes or causes to be removed any building, machinery, plant or apparatus constructed, erected or fixed on the land and used for agricultural purposes, or does or causes to be done any act likely to diminish the utility of the land, he shall, on conviction by a magistrate, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.";

(2) in sub-section (3), after the words and figures "section 41", the words, figure, brackets and letter "or an offence punishable under sub-section (2D)" shall be inserted.

41. Amendment of section 137.—In section 137 of the principal Act, after sub section (2), the following sub-section shall be added, namely :—

"(3) In making rules under this section, the State Government may provide that a contravention of any rule shall be punishable with fine which may extend to one hundred rupees.

"(4) A rule under this Act may be made with retrospective effect and when such rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the Legislature. Subject to any modification made under section 140, every rule made under this Act shall have effect as if enacted in this Act."

42. Amendment of section 142.—In section 142 of the principal Act,—

(i) in sub-section (1) in the first proviso, the words "save as provided in this Act" shall be omitted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) Notwithstanding anything contained in sub-section (1) or in any law in force in any area of the State of Mysore at any time before the commencement of this Act, the first proviso to the said sub-section or any other provision of law shall not be applicable in so far as the said proviso or provision of law will enable any person to evict from any agricultural land any agriculturist protected from eviction from any land in his possession by the Mysore Tenants (Temporary Protection from Eviction) Act, 1961, and no such agriculturist shall be liable to be evicted from such land except in accordance with the provisions of this Act."

43. Amendment of Schedule III.—In Schedule III to the principal Act, after item 10, the following item shall be added, namely :—

"11. The Mysore Tenants (Temporary Protection from Eviction) Act, 1961 (Mysore Act 37 of 1961)."

By Order and in the name of the Governor of Mysore,

M. A. SRIKRISHNA,
Joint Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Blore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 32 LGN 63, dated Bangalore, 30th July 1965.

Ordered that the Mysore Labour Welfare Fund Act, 1965, which received the assent of the President on the 18th day of July 1965, be published as Mysore Act No. 15 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 15 OF 1965.

(*First published in the* Mysore Gazette *on the Fifth day of August 1965*).

THE MYSORE LABOUR WELFARE FUND ACT, 1965.

(Received the assent of the President on the Eighteenth day of July 1965).

An Act to provide for the constitution of a Fund for financing and conducting activities to promote welfare of labour in the State of Mysore.

WHEREAS it is expedient to constitute a Fund for financing and conducting activities to promote welfare of labour in the State of Mysore ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Labour Welfare Fund Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint and different dates may be appointed for different areas of the State.

2. Definitions.—In this Act, unless the context otherwise requires—

(1) "Board" means the Mysore Labour Welfare Board constituted under section 4 ;

(2) "employee" means any person who is employed for wages to do any work skilled or unskilled, manual or clerical, in an establishment ;

(3) "employer" means any person who employs either directly or through another person either on behalf

of himself or any other person, one or more employees in an establishment and includes—

(i) in a factory, any person named under section 7 (1)(f) of the Factories Act, 1948, as the manager;

(ii) in any establishment, any person responsible to the owner for the supervision and control of the employees or for the payment of wages;

(4) "establishment" means—

(i) a factory;

(ii) motor omnibus service;

(iii) any establishment including a society registered or deemed to be registered under the Mysore Societies Registration Act, 1960, and a charitable or other trust, whether registered under any law applicable to such charitable or other trust or not, which carries on any business or trade or any work in connection with or ancillary thereto and which employs or on any working day during the preceding twelve months employed more than fifty persons,

but does not include an establishment (not being a factory) of the Central or any State Government; and

(iv) any plantation or workshops;

(5) "factory" means a factory as defined in section 2 (m) of the Factories Act, 1948;

(6) "Fund" means the Mysore Labour Welfare Fund constituted under section 3;

(7) "independent member" means a member of the Board who is not connected with the management of any establishment or who is not an employee, and includes an officer of Government nominated as a member;

(8) "Inspector" means an Inspector appointed under section 13;

(9) "prescribed" means prescribed by rules made under this Act;

(10) "unpaid accumulations" means all payments due to the employees but not made to them within a period of three years from the date on which they became due whether before or after the commencement of this Act including the wages, and gratuity legally payable but not including the amount of contribution, if any, paid by an employer to a provident fund establishment under the Employees' Provident Funds Act, 1952;

(11) "wages" means all remuneration capable of being expressed in terms of money which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include,—

(*a*) the value of—

(i) any house accommodation, supply of light, water, medical attendance; or

(ii) any other amenity or any service excluded by general or special order of the State Government;

(*b*) any contribution paid by the employer to any pension fund or provident fund or under any scheme of social insurance;

(*c*) any travelling allowance or the value of any travelling concession;

(*d*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(*e*) any gratuity payable on discharge.

(12) "Welfare Commissioner" means the Welfare Commissioner appointed under section 12.

3. Welfare Fund—(1) The State Government shall constitute a Fund called the Mysore Labour Welfare Fund, and notwithstanding anything contained in any other law for the time being in force or in any contract or instrument, all unpaid accumulations shall be paid to the Board, which shall keep a separate account therefor until claims thereto

have been decided in the manner provided in section 7, and the other sums specified in sub-section (2) shall be paid into the Fund.

(2) The Fund shall consist of—

(*a*) all fines realised from the employees;

(*b*) all unpaid accumulations transferred to the Fund under section 7;

(*c*) any voluntary donations;

(*d*) any fund transferred under sub-section (5) of section 8; and

(*e*) any sum borrowed under section 9.

(3) The sums specified in sub-section (2) shall be collected by such agencies and in such manner and the accounts of the Fund shall be maintained and audited in such manner as may be prescribed.

4. Board—(1) The State Government shall, by notification in the official Gazette, constitute the Board for the whole of the State of Mysore for the purpose of administering the Fund, and to carry on such other functions assigned to the Board by or under this Act.

(2) The Board shall consist of the following members nominated by the State Government, namely :—

(*a*) representatives of employers and employees;

(*b*) independent members, representing women; and

(*c*) other independent members.

The number of members of each category shall be such as may be prescribed :

Provided that both employers and employees shall have equal representation on the Board.

(3) The members of the Board shall elect one of its independent members as the Chairman of the Board.

(4) Save as otherwise expressly provided by this Act, the term of office of the members of the Board shall be three years commencing on the date on which their names are notified in the official Gazette.

(5) The allowances, if any, payable to the members of the Board and the conditions of appointment of the representatives of the employers and employees shall be such as may be prescribed.

(6) The Board shall be a body corporate by the name of the Mysore Labour Welfare Board, having perpetual succession and a common seal, with power subject to the provision of this Act, or the rules made thereunder to acquire, hold and dispose of property, both moveable and immoveable, and to contract, and may, by the said name sue and be sued.

5. **Disqualifications and removal.**—(1) No person shall be chosen as or continue to be a member of the Board who—

(*a*) is a salaried official of the Board ; or

(*b*) is or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors ; or

(*c*) is found to be a lunatic or becomes of unsound mind ; or

(*d*) is or has been convicted of any offence involving moral turpitude.

(2) The State Government may remove from office any member who—

(*a*) is or has become subject to any of the disqualifications mentioned in sub-section (1) ; or

(*b*) is absent without leave of the Board for more than three consecutive meetings of the Board.

6. **Resignation of office by member and filling up of casual vacancies.**—(1) A member may resign his office by giving notice thereof in writing to the State Government, and on such resignation being accepted, shall be deemed to have vacated his office.

(2) A casual vacancy in the office of a member shall be filled up, as soon as conveniently may be, by the authority concerned and a member so nominated shall hold

office for the unexpired portion of the term of the office of his predecessor.

(3) No act or proceedings of the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Board.

7. Unpaid accumulations and claims thereto.—(1) All unpaid accumulation shall be deemed to be abandoned property.

(2) Any unpaid accumulations paid to the Board in accordance with the provisions of section 3 shall, on such payment, discharge an employer of the liability to made payment to an employee in respect thereof, but to the extent only of the amount paid to the Board; and the liability to make payment to the employee to the extent aforesaid shall, subject to the succeeding provisions of this section, be deemed to be transferred to the Board.

(3) As soon as possible after the payment of any unpaid accumulations is made to the Board, the Board shall, by notice (containing such particulars as may be prescribed)—

(*a*) exhibited on the notice-board of the factory or establishment in which the unpaid accumulation was earned, and

(*b*) published in the official Gazette, and

(*c*) also published in any two newspapers circulating in the area in which the factory or establishment in which the unpaid accumulation was earned is situate or in such other manner as may be prescribed, regard being had to the amount of the claim,

invite claims by employees for any payment due to them. The notice shall be inserted in the manner aforesaid in June and December of every year, for a period of three years from the date of the payment of the unpaid accumulation to the Board.

(4) If any question arises whether the notice referred to in sub-section (3) was given as required by that

sub-section, a certificate of the Board that it was so given, shall be conclusive.

(5) If a claim is received whether in answer to the notices or otherwise, within a period of four years from the date of first publication of the notice in respect of such claim, the Board shall transfer such claim to the Authority appointed under section 15 of the Payment of Wages Act, 1936, having jurisdiction in the area in which the factory or establishment is situated, and the Authority shall proceed to adjudicate upon, and decide, such claim. In hearing such claim, the Authority shall have the powers conferred by, and follow the procedure (in so far as it is applicable) followed in giving effect to the provisions of that Act.

(6) If the Authority aforesaid is satisfied that any such claim is valid so that the right to receive payment is established it shall decide that the unpaid accumulation in relation to which the claim is made shall cease to be deemed to be abandoned property, and shall order the Board to pay the whole of the dues claimed or such part thereof as the Authority decides are properly due, to the employes; and the Board shall make payment accordingly:

Provided that the Board shall not be liable to pay any sum in excess of that paid under sub-section (1) of section 3 to the Board as unpaid accumulations in respect of the claim.

(7) If a claim for payment is refused, the employee shall have a right of appeal to the District Court having jurisdiction over the area and the Board shall comply with any order made in appeal. An appeal shall lie within sixty days of the decision of the Authority.

(8) The decision of the Authority, subject to appeal aforesaid and the decision in appeal of the District Court, shall be final as to the right to receive payment, the liability of the Board to pay and also as to the amount, if any.

(9) If no claim is made within the time specified in sub-section (5), or a claim has been duly refused as aforesaid

by the Authority, or by the Court on appeal, then the unpaid accumulations in respect of such claim, shall accrue to, and vest in, the State as *bona vacantia*, and shall thereafter, without further assurance be deemed to be transferred to, and form part of, the Fund.

8. **Vesting and application of Fund.**—(1) The Fund shall vest in and be held and applied by the Board as Trustees subject to the provisions and for the purpose of this Act. The moneys therein shall be utilised by the Board to defray the cost of carrying out measures which may be specified by the State Government from time to time to promote the welfare of laboure and of their dependents.

(2) Without prejudice to the generality of sub-section (1) the moneys in the Fund may be utilised by the Board to defray expenditure on the following :—

(*a*) community and social education centres including reading rooms and libraries ;

(*b*) community necessities ;

(*c*) games and sports ;

(*d*) excursions, tours and holiday homes ;

(*e*) entertainments and other forms of recreation ;

(*f*) home industries and subsidiary occupations for women and unemployed persons ;

(*g*) corporate activities of a social nature ;

(*h*) cost of administering the Act including the salaries and allowances of the staff appointed for the purposes of the Act ;

(*i*) such other objects as would in the opinion of the State Government improve the standard of the living and ameliorate the social conditions of labour :

Provided that the Fund shall not be utilised in financing any measure which the employer is required under any law for the time being in force to carry out :

Provided further that unpaid accumulations and fines shall be paid to the Board and be expended by it under this

Act notwithstanding anything contained in the Payment of Wages Act, 1936, or any other law for the time being in force.

(3) The Board may, with the approval of the State Government, make a grant out of the Fund to any employer, any local authority or any other body in aid of any activity for the welfare of labour approved by the State Government.

(4) If any question arises whether any particular expenditure is or is not debitable to the Fund, the matter shall be referred to the State Government and the decision given by the State Government shall be final.

(5) It shall be lawful for the Board to continue any activity financed from the labour welfare fund of any establishment, if the said fund is duly transferred to the Board.

9. Power of Board to borrow.—The Board may from time to time with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be specified in this behalf borrow any sum required for the purposes of this Act.

10. Investment of Fund.—Where the Fund or any portion thereof cannot be applied at an early date for fulfilling the objects of the Act, the Board shall invest the same in any of the securities specified in clauses (*a*) to (*d*) and (*f*) of section 20 of the Indian Trusts Act, 1882.

11. Direction by State Government to Board.—The State Government may give the Board such directions as in its opinion are necessary or expedient in connection with the expenditure from the Fund or for carrying out the other purposes of the Act. It shall be the duty of the Board to comply with such directions.

12. Appointments and powers of Welfare Commissioner.—(1) The Welfare Commissioner shall be appointed by the Board with the previous approval of the State Government

(2) The Welfare Commissioner shall be the principal executive officer of the Board.

(3) It shall be the duty of the Welfare Commissioner to ensure that the provisions of this Act and rules made thereunder are duly carried out and for this purpose he shall have the power to issue such orders not inconsistent with the provisions of this Act and rules made thereunder as he deems fit including any order implementing the decisions taken by the Board under the Act or rules made thereunder.

13. Appointment of Inspectors.—(1) The State Government may appoint Inspectors to inspect the records in connection with the sums payable into the Fund.

(2) Any Inspector may—

(*a*) with such assistance, as he thinks fit, enter at any reasonable time any premises for carrying out the purposes of this Act;

(*b*) exercise such other powers as may be prescribed.

14. Appointment of clerical and other staff by Board.—The Board shall have power to appoint the necessary clerical and executive staff to carry out and supervise the activities financed from the Fund:

Provided that the expenses of the staff thus appointed and other administrative expenses shall not exceed a prescribed percentage of the annual income of the Fund.

15. Power of State Government to remove any person on staff of the Board.—The State Government shall have the power to remove any person whom it may deem unsuitable from the service of the Board.

16. Power of State Government or authorised officer to call for records, etc.—The State Government or any officer authorised by the State Government may call for the records of the Board, inspect the same and may supervise the working of the Board.

17. Mode of recovery of sums payable into Fund, etc.—Any sum payable into the Fund under this Act shall, without prejudice to any other mode of recovery, be recoverable on behalf of the Board as arrears of land revenue.

18. Supersession of Board.—(1) If the State Government is satisfied that the Board has made default in performing any duties imposed on it by or under this Act or has abused its power, the State Government may by notification in the official Gazette supersede and re-constitute the Board in the prescribed manner:

Provided that before issuing the notification under this sub-section, the State Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objection, if any, of the Board.

(2) After the supersession of the Board, and until it is reconstituted the powers, duties and functions of the Board under this Act shall be exercised or performed by such officer or officers, as the State Government may appoint for this purpose.

19. Rules.—(1) The State Government may, by notification in the official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to generality of the foregoing power, such rules may be made for all or any of the following matters, namely :—

(*a*) the agency for and the manner of collection of sums specified in sub-section (3) of section 3, and the period within which the same shall be paid to the credit of the Fund ;

(*b*) the manner in which the accounts of the Fund shall be maintained and audited under sub-section (3) of section 3 ;

(*c*) the procedure for making grants from the Fund under section 8 ;

(*d*) the procedure for defraying the expenditure incurred in administering the Fund ;

(*e*) the number of representatives of employers and employees, independent members and representatives of women on the Board, and the allowances, if any, payable to them, under section 4 ;

(*f*) the manner in which the Board shall conduct its business ;

(*g*) the duties and powers of the Inspectors and the conditions of service of the Welfare Commissioner and Inspectors and other staff appointed under this Act ;

(*h*) the delegation of the powers and functions of the Board to the Welfare Commissioner and the conditions and the limitations subject to which the powers may be exercised or functions discharged ;

(*i*) the percentage of the annual income of the Fund beyond which the Board may not spend on the staff and on other administrative measures ;

(*j*) the registers and records to be maintained under this Act ;

(*k*) the publication of the report of the activities financed from the Fund together with a statement of receipts and expenditure of the Fund and statement of accounts ;

(*l*) the condition subject to which the Board may dispose of immoveable and moveable property or enter into contract ;

(*m*) any other matter which may be prescribed under this Act.

(3) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any

modification made under section 23, every rule made under this Act shall have effect as if enacted in this Act.

20. Members of Board, Welfare Commissioner, Inspectors and all officers and servants of Board to be public servants.—The members of the Board, the Welfare Commissioner, Inspectors and all officers and servants of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

21. Protection to persons acting in good faith.—No suit, prosecution or other legal proceeding shall lie against the Board or any person for anything which is in good faith done or intended to be done under this Act.

22. Exemption.—The State Government may, by notification in the official Gazette, exempt any class of establishments from all or any of the provisions of this Act subject to such conditions as may be specified in the notification.

23. Rules and notifications to be laid before State Legislature.—Every rule made under this Act, and every notification issued under section 22 shall be laid, as soon as may be after it is made, or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under such rule or notification.

24. Transfer of Government Labour Welfare Centres to the Board.—(1) The control and management of State

Government Labour Welfare Centres shall as from such date as the State Government may by notification in the official Gazette appoint, be transferred to the Board, and thereupon all the properties and assets, and liabilities and obligations, of the State Government in relation to such centres shall stand transferred to, vest in, or devolve upon, the Board.

(2) Every employee of the State Government who was employed by the State Government wholly or mainly in or in connection with any of the said Centres immediately before the date appointed under sub-section (1) shall, as from the said date, become an employee of the Board, and shall hold his office under the Board on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held the same if the transfer of the said Centre had not been effected and shall continue to do so unless and until his employment under the Board is terminated or until his remuneration, terms and conditions of service are duly altered by the Board:

Provided that the remuneration, terms or conditions of service of any such employee shall not be varied to his disadvantage except with the previous approval of the State Government.

25. Amendment of section 8 of Central Act 4 of 1936.— In section 8 of the Payment of Wages Act, 1936 (Central Act 4 of 1936), to sub-section (8) the following shall be added before the Explanation, namely :—

"but in the case of any factory or establishment to which the Mysore Labour Welfare Fund Act, 1965, applies all such realisations shall be paid into the Fund constituted under the said Act".

26. Repeal and savings.—(1) From the date of coming into force of this Act in the Bombay Area,

(*a*) the Bombay Labour Welfare Fund Act, 1953 (Bombay Act 40 of 1953), as in force in the Bombay Area shall stand repealed;

(*b*) all properties, fund and dues which are vested in or realisable by the new Board as defined in the Bombay Labour Welfare Board (Reconstitution) Order, 1959, made by the Central Government under the Inter-State Corporations Act, 1957 (Central Act 38 of 1957), shall vest in, and be realisable by, the Board constituted under this Act ;

(*c*) all liabilities which were enforceable against the said new Board shall be enforceable against the Board constituted under this Act ; and

(*d*) all employees serving in connection with the affairs of the said new Board shall become employees of the Board constituted under this Act.

(2) Subject to the provisions of sub-section (1), the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899), shall be applicable in respect of the repeal of the Bombay Labour Welfare Fund Act, 1953 and sections 8 and 24 of the said Mysore General Clauses Act, 1899, shall be applicable as if the said Bombay Labour Welfare Fund Act, 1953, had been repealed and re-enacted by this Act.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bl'lore

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 66 LGN 62, Bangalore, dated 13th August 1965.

Ordered that the Mysore Irrigation Act, 1965, which received the assent of the President on the Twenty-third day of July 1965, be published as Mysore Act No. 16 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ACT No. 16 OF 1965

(*First published in the* Mysore Gazette *on the Nineteenth Day of August, 1965.*)

THE MYSORE IRRIGATION ACT, 1965.

(*Received the assent of the President on the Twenty-third Day of July, 1965*).

An Act to make provision relating to the construction, maintenance and regulation of irrigation works, the supply of water therefrom, obtaining labour in emergencies and certain other matters pertaining to irrigation in the State of Mysore.

WHEREAS it is expedient to make provision relating to the construction, maintenance and regulation of irrigation works, the supply of water therefrom, obtaining labour in emergencies and certain other matters pertaining to irrigation in the State of Mysore;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. Short title and commencement and application.—(1) This Act may be called the Mysore Irrigation Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—In this Act, unless the context otherwise requires—

(*a*) "Canal Officer" means any officer appointed or invested with powers of a Canal Officer under section 3;

(*b*) "Chief Engineer" means an officer appointed by the State Government as Chief Engineer for Irrigation and includes any officer appointed to perform the functions of a Chief Engineer under this Act;

(*c*) "Deputy Commissioner" includes any officer not below the rank of an Assistant Commissioner, appointed by the State Government to exercise all or any of the powers of a Deputy Commissioner under this Act;

(*d*) "drainage work" includes,—

(i) channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels;

(ii) escape channels from an irrigation work, dams, weirs, embankments, sluices, groynes and other works connected therewith, but does not include works for the removal of sewage;

(iii) any work in connection with a system of reclamation made or improved by Government for the purpose of drainage of the country; and

(iv) all works for the protection of lands from inundation or erosion, constructed or maintained either wholly or in part by the State Government;

(*e*) "field-channel" means any water course, hikkal or pipe having a capacity not exceeding one cubic foot per second, which is supplied with water from an irrigation work, and includes all subsidiary works belonging to such field-channel, except the sluice or outlet through which water is supplied to such channel or pipe;

(*f*) "flood-embankment" means any embankment constructed or maintained by Government in connection with any system of irrigation or reclamation works for the protection of lands from inundation or which may be declared by the State Government to be maintained in connection with any such system, and includes all groynes, spurs, dams and other protective works connected with such embankments;

(*g*) "Irrigation Officer" means any officer appointed as an Irrigation Officer or invested with the powers of an Irrigation Officer under section 3 ;

(*h*) "irrigation work" includes,—

(i) all reservoirs, tanks, wells, anicuts, bandharas, ponds, spring ponds, canals, field-channels, thalapariges, pipes, channels, aqueduets and sluices constructed, maintained or controlled wholly or partly by Government for the supply, conveyance or storage of water;

(ii) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, anicuts, bandharas, channels, canals, pipes, sluices, and all roads constructed for facilitating the construction or maintenance of such reservoirs, tanks, anicuts, bandharas, canals, channels, pipes and sluices ;

(iii) all drainage works and flood embankments ;

(iv) any part of a river, stream, lake, natural collection of water or natural drainage channel to which the State Government may apply the provisions of section 5 or of which the water has been applied or used before the commencement of this Act for the purpose of any existing irrigation work ;

(v) all lands appropriated by the State Government for the purpose of such reservoirs, tanks, anicuts, bandharas, canals, channels, pipes, sluices and all buildings, machinery, fences, gates and other erections upon such lands;

(*i*) "land holder" or "holder" means the person in whom a right to hold the land is vested, whether solely on his own account or wholly or partly in trust for another person or for a class of persons or for the public and includes a mortgagee vested with right of possession ;

(*j*) "notification" means a notification published in the official Gazette ;

(*k*) "occupier" means, in respect of any land, any person who has an interest in the land and cultivates the land himself or by his servants, or by hired labour, and includes a tenant;

(*l*) "owner" includes every person having a joint interest in the ownership of the thing specified; and all rights and obligations which attach to an owner under this Act shall attach jointly and severally to every person having such joint interest in the ownership;

(*m*) "patel" means such officer as the State Government may declare to be a patel for the purposes of this Act;

(*n*) "prescribed" means prescribed by rules made under this Act;

(*o*) "Tahsildar" includes any officer appointed by the State Government to exercise all or any of the powers of a Tahsildar under this Act.

3. Appointment of officers.—The State Government, or, subject to such conditions as may be prescribed, any officer of Government empowered in this behalf may by notification—

(*a*) appoint such officers with such designations, and assign to them respectively such powers and duties over such areas or such irrigation works under this Act, as the State Government or such officer may deem fit;

(*b*) invest any officer of Government in any Department or any other person with such powers and impose upon him such duties over such areas or such irrigation works under this Act, as the State Government or such officer may deem fit.

CHAPTER II.

CONSTRUCTION, CONTROL AND MAINTENANCE OF IRRIGATION WORKS.

4. Construction, control and maintenance of irrigation works only with consent of Government and subject to conditions.—(1) No person shall construct, control or maintain wholly or partly any reservoir, tank, anicut, bandhara, pond, spring pond, canal, field channel, talaparige, channel or aqueduct except with the previous sanction of the State Government or such other authority as may be authorised by the State Government in this behalf and subject to such conditions as the State Government or such authority may impose.

(2) Where the State Government is of the opinion that in the interests of proper irrigation from any irrigation work constructed or proposed to be constructed it is necessary to control the construction of wells in any area or areas, the State Government may by notification specify such area or areas; and thereupon no person shall within such area or areas construct any well except with the previous sanction of the State Government or other authority authorised by the State Government in this behalf, and subject to such conditions as the State Government or such authority may impose.

5. Notification to issue when water supply is to be applied for purposes of irrigation works.—(1) Whenever it appears expedient to the State Government or any officer generally or specially authorised by it in this behalf, that the water of any river or stream flowing in a natural channel or of any lake or any other natural collection of still water, should be applied or used by the State Government for the purpose of any existing or proposed irrigation work, the State Government or the authorised officer may, by notification, declare that the said water will be so applied or used after a day to be specified in the said notification, not being earlier than three months from the date thereof.

(2) At any time after the day specified under sub-section (1), the Irrigation Officer may enter on any land, remove any obstruction, close any channel and do any other thing necessary for such application

or use of the said water, and for such purpose, may take with him, or depute or employ such subordinates and other persons as he deems fit.

6. Entry for inquiry.—Whenever it shall be necessary to make any inquiry or examination in connection with a proposed irrigation work or with the maintenance of an existing irrigation work, the Irrigation Officer, or any person acting under the general or special order of such Irrigation Officer may—

(*a*) enter upon such land as he may think necessary for the purpose; and

(*b*) exercise all powers and do all things in respect of such land as he might exercise and do, if the State Government had issued a notification under the provisions of section 4 of the Land Acquisition Act, 1894, to the effect that land in that locality is likely to be needed for a public purpose; and

(*c*) set up and maintain water-gauges and do all other things necessary for the purpose of such inquiry and examination.

7. Power to inspect and regulate supply.—The Irrigation Officer or any person acting under the general or special order of such Irrigation Officer, may enter upon any land, building or field-channel, for the purpose of inspecting or regulating the use of water supplied or of measuring the land, irrigated thereby or chargeable with a water rate, and of doing all things necessary for the proper regulation, maintenance and management of the irrigation work from which such water is supplied.

8. Power to enter for repairs and to prevent accidents.—In case of any accident or damage being apprehended or occurring to an irrigation work, the Irrigation Officer, or any person or persons acting under the general or special order of such Irrigation Officer, may enter upon any land adjacent to or in the neighbourhood of such irrigation work and may remove trees and other materials and execute all works which may be necessary for the purpose of preventing such accident or repairing any damage.

9. Notice to occupier.—Whenever an Irrigation Officer or any other person acting under his general or special order in this behalf,

proposes, under the provisions of section 6, 7 or 8, to enter into any building or enclosed court or garden attached to a dwelling house, which is not supplied with water from an irrigation work not adjacent to a flood-embankment, he shall previously give to the occupier of such building, court or garden such reasonable written notice as the urgency of the case may allow.

10. Means of crossing canals to be provided and obstruction to drainage to be avoided.—Suitable means of crossing canals and channels shall be provided at such places as the State Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent land; and suitable bridges, culverts, or other works shall be constructed to prevent the drainage of the adjacent land being obstructed by any canal or channel.

11. Government may prohibit obstructions of rivers, etc., within certain limits.—Whenever it appears to the State Government that injury to the public health, or public convenience, or to any irrigation work or to any land for which supply from an irrigation work is available, has arisen or may arise from the obstruction of any river, stream or natural drainage channel, the State Government may, by notification, prohibit within limits to be defined in such notification, or may, within such limits, order the removal or other modification of such obstruction; and thereupon so much of the said river, stream or natural drainage channel as is comprised within such limits, shall be deemed to be a drainage work as defined in section 2.

12. Irrigation Officer may issue order to person causing obstruction.—The Irrigation Officer may, after the publication of the notification under section 11, issue an order to any person causing or having control over any such obstruction to remove or modify the same within such period as may be specified in such order.

13. Irrigation Officer may cause obstruction to be removed.—If within the period specified under section 12 such person does not comply with the order, the Irrigation Officer may cause the obstruction to be removed or modified and such person shall be liable to pay the expense of such removal or modification; and if the person to whom the order was issued does not, when called upon, pay the expenses of

such removal or modification, such expenses shall be recoverable as an arrear of land revenue.

14. Construction of drainage works.—Whenever it appears to the State Government that any drainage work is necessary for the public health or for the improvement of the proper cultivation or irrigation of any land, or that protection from floods or other accumulations of water or from erosion by a river is required for any land, the State Government may in its discretion cause a scheme for such work to be drawn up and carried into execution, and the person authorised by the State Government to draw up and execute such scheme may exercise, in connection therewith, the powers conferred on Irrigation Officers by sections 6, 7 and 8 and shall be liable to the obligations, imposed upon Irrigation Officers by sections 9 and 35.

CHAPTER III.

FIELD-CHANNELS.

15. Determination of the need for field-channels and their alignment in any area.—(1) The Irrigation Officer on being satisfied that the construction of field-channels in any area is necessary in public interest for supply of water from an irrigation work to lands requiring such supply for purposes of cultivation, shall declare by notification that such field-channels may be constructed after a date to be specified in the notification, not being earlier than thirty days from the date of publication thereof. A copy of such notification shall be sent to the Tahsildar of the area for publication in the villages concerned.

(2) After the date specified in the notification under sub-section (1), the Irrigation Officer shall determine the suitable alignment for the field-channels and shall mark out the land, which in his opinion, it is necessary to occupy for the construction thereof. He shall forthwith publish a notification by affixture on the notice board in his office that so much of such land as is situated within such village or villages has been so marked out and shall send a copy of such notification to the Tahsildar for publication in every village

through which the field-channel is taken and on such lands. He shall also send a copy of such notification to the Deputy Commissioner of every District in which such land is situated.

16. Deputy Commissioner to acquire land.—(1) On receipt of a copy of a notification under section 15, the Deputy Commissioner shall, on being satisfied that such land is required for a field-channel, proceed to acquire and take possession of such land under the provisions of the Land Acquisition Act, 1894, as if a declaration had been issued by the State Goverument for the acquisition thereof under section 6 of that Act and as if the State Government had thereupon directed the Deputy Commissioner to take order for the acquisition of such land under section 7 of the said Act and as if the State Government had issued orders for immediate possession being taken under section 17 of the said Act.

(2) Notwithstanding anything contained in the Land Acquisition Act, 1894, the acquisition of any land for the purpose of constructing a field-channel under section 15 shall be deemed to be for a public purpose and compensation to be awarded shall be—

(*a*) in the case of land wh ch is assessed as wet, one hundred times, and

(*b*) in the case of land which is assessed as dry, two hundred times,

'he land revenue payable in respect of the land acquired.

Explanation I.—For purposes of this sub-section, in the case of land which is assessed as wet, 'land revenue' shall include water rate, where such rate is payable annually in addition to the land revenue.

Explanation II.—In the case of an inam village to which survey and settlement has not been introduced under the Mysore Land Revenue Act, 1964, the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village shall be deemed to be the land revenue of the land for purposes of this sub-section.

17. Such acquired land to remain as property of Government.—On possession of the land being taken, the Irrigation Officer shall fix

the boundary marks in the prescribed manner, and thereupon ownership of such land shall vest in the State Government.

18. Procedure for construction of field-channel.—Any person whose lands would be benefited by the construction of a field-channel on the land vesting in Government under section 17, may either—

(*a*) construct a field-channel with the permission of the Irrigation Officer and subject to such conditions as may be imposed by him, or

(*b*) apply in writing to the Irrigation Officer, stating that he desires the said Irrigation Officer to do all things necessary for constructing such field-channel on his behalf and at his cost, and that he is ready to defray all the expenses necessary for such construction.

19. Construction of field-channel on deposit of estimated cost.—(1) On receipt of an application under clause (b) of section 18, the Irrigation Officer may call upon the applicant to deposit the whole or any part of the expense such officer may consider necessary ; and upon such deposit being made, shall construct the field-channel, and on its completion, shall give to the applicant notice thereof and of any sum payable by him on account of the cost of constructing the field-channel. On such notice being given, such sum shall be due from the applicant to the State Government. On receipt of payment in full of all expenses incurred, the applicant shall have the right to use the field-channel for supply of water to his lands.

(2) In default of payment by the applicant of the sum or any portion of the sum due within the period specified in the notice, the amount due shall be recoverable as an arrear of land revenue.

(3) Where a deposit made under sub-section (1) is in excess of the cost incurred by the Irrigation Officer in constructing the field-channel, the excess amount deposited shall be refunded to the person who made the deposit.

20. Obligations of persons having right to use the field-channels.—(1) Every person having a right to use the field-channel shall be bound—

(*a*) to maintain such field-channel in a fit state of repair for the conveyance of water;

(*b*) to allow the use of it to others or to admit other persons as joint users thereof, on such terms as may be prescribed under the provisions of section 22.

(2) Every user of a field-channel and every person duly authorised under the provisions hereinafter contained to use a field-channel shall, subject to the provisions of Chapter IV, be entitled to have a supply of water by such field-channel on such terms as may be prescribed.

21. Arrangement with user by other person.—Any person desiring to have a supply of water through a field-channel of which he has not acquired the right to use, may apply to the Irrigation Officer for permission to use such field-channel or to be declared a joint user thereof.

22. Irrigation Officer after inquiry may authorise or declare applicant to be joint user.—On receipt of an application under section 21, the Irrigation Officer shall serve a notice on the person having the right to use the field-channel to show cause why such permission should not be granted, or such declaration should not be made, and if no objection is raised, or if any objection raised be found insufficient or invalid, and if the Irrigation Officer is satisfied that there is sufficient water for supply shall either permit the applicant to use the field-channel or declare him to be a joint user thereof on such conditions as to the payment to the person referred to in section 18 of such amount as may appear to the Irrigation Officer to be equitable.

23. Use of land acquired for field-channel for other purposes.—(1) No land acquired under this Act for a field-channel and no land occupied by a field-channel constructed under section 19 shall be used for any other purpose without the previous consent of the Irrigation Officer.

(2) No field-channel, whether constructed under section 19 or otherwise, shall be extended, improved, or altered without the previous consent of the Irrigation Officer. The provisions of sections 15 to 19 shall apply *mutatis mutandis* in respect of such extension, improvement or alteration.

24. If user fails to execute work or to repair field-channel Irrigation Officer may execute the same.—(1) If any user of a field-channel fails to fulfil any obligation imposed upon him by clause (*a*) of sub-section (1) of section 20, the Irrigation Officer may require him, by notice, to execute the necessary repair within a period to be specified in such notice, of not less than seven days, and, in the event of failure may execute the same, and except as hereinafter provided in this section, all expenses incurred in the execution of such repair shall be a sum due by such user to the State Government recoverable as an arrear of land revenue.

(2) Every person other than the person having the right to use the field-channel who uses such field-channel in respect of which any repair has been executed by the Irrigation Officer under this section shall, in the absence of any conditions to the contrary imposed under section 22 at the time such person was authorised to use such field-channel, be liable to pay to the State Government such proportion of the expenses incurred in the execution of such repairs as shall be determined by the Irrigation Officer.

25. Settlement of disputes as to mutual rights and liabilities of persons.—(1) Whenever a dispute arises between two or more persons in regard to their mutual rights and liabilities in respect of the use, construction or maintenance of a field-channel, or as to their respective shares of the expenses of constructing or making such field-channel or as to the amount contributed by them towards such expenses, or as to failure on the part of any person having a right to the use of the field-channel to contribute his share, the Irrigation Officer, either on the application of any person interested in such dispute or otherwise, shall, after making such inquiry as may be prescribed, decide the matter in dispute.

(2) Any person aggrieved by the decision of the Irrigation Officer may within thirty days of the date of the decision, appeal to the Deputy Commissioner whose order in the matter shall be final and conclusive until set aside by a decree of a civil court.

26. Consequence of failure to construct or apply for construction of a field-channel.—(1) If after any land has been acquired under section 16 and has become vested in the State Government under section 17, the persons interested fail to construct or to apply for construction

of a field-channel under section 18 within the prescribed period, the Irrigation Officer shall declare by notification that such construction will be made by the State Government after a date to be specified in the notification:

Provided that before making such declaration, the Irrigation Officer shall publish a notice in the prescribed manner for the information of all persons concerned with the lands vesting in the State Government under section 17, that if they do not take action under section 18 within the prescribed period, a declaration would be made under this section.

(2) After the date specified in such notification, the Irrigation Officer shall construct the field-channels necessary in the area.

(3) Where any field-channel is constructed under this section, the holders and occupiers of the lands benefited by such field channels shall be liable to pay to the State Government, the cost incurred for such construction. Such amount shall be recoverable as an arrear of land revenue.

Explanation.—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed, provided that such non-enjoyment is due solely to the action or inaction on the part of the person or persons interested in such land.

CHAPTER IV.

Regulation of Irrigation.

27. Regulation of water supply from irrigation works.—An Irrigation Officer duly empowered by the State Government by a notification in respect of any irrigation work or class of irrigation works may, after such inquiry as he deems fit, and after consultation with a committee appointed by the State Government consisting of such number of official and non-official members as may be prescribed, regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require,—

(*i*) the time for letting out water for irrigation;

(*ii*) the period of supply;

(*iii*) the quantity of supply ; and

(*iv*) the areas to be supplied at different times.

Explanation.—A land shall be deemed to have been supplied with water if water is made available for irrigation of such land.

28. Application for permission to use water from an irrigation work.—(1) Any person desiring to have a supply of water from an irrigation work for irrigating a land not assessed as a wet land or not included in any area to which supply of water is regulated under section 27, shall make a written application to that effect to the Irrigation Officer. Subject to any general or special order made by the State Government determining the extent of lands for which water can be made available from such irrigation work, such officer may, if in his opinion such supply can be made without detriment to the supply of water to lands assessed as wet lands or included in any area to which supply of water is regulated under section 27, order the supply of water and for such period not exceeding six years subject to such conditions as may be specified in such order.

(2) If after a period of six successive years of supply of water made to any land referred to in sub-section (1), the holder of such land applies for the supply of water being made permanent, such application, with the opinion of the Irrigation Officer, shall be forwarded to the Deputy Commissioner of the district. The Deputy Commissioner of the district shall then take steps in accordance with law to convert the land into wet or garden, or to include the land in the area to which supply of water is regulated by section 27.

(3) The water rate leviable for the use of water for temporary cultivation under sub-sections (1) and (2) shall be twice the water rate when such rate is levied separately on the land or in other cases twice the difference between dry assessment of the land and the wet assessment of the neighbouring wet lands.

(4) With the sanction of, and subject to such conditions, payments, and restrictions, as may be imposed by the State Government or such officer as may be authorised by the State Government in this behalf, the Irrigation Officer, may, without detriment to the supply of water to lands assessed as wet lands

included in any area to which supply of water is regulated under section 27, give permission for water to be taken from an irrigation work, for purposes other than those of agriculture.

(5) If any person uses water from an irrigation work without obtaining the permission required under this section, he shall in addition to any penalty he incurs under this Act for such unauthorised use of water be liable to pay water rate at such rate as may be determined by the prescribed officer not being less than ten times and not exceeding thirty times the rate he would otherwise have been required to pay, had he applied for and obtained the permission.

29. Stoppage of water supply.—The supply of water to any field-channel or to any person who is entitled to such supply shall not be stopped, except,—

(*a*) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by the competent authority;

(*b*) whenever and so long as any field-channel by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water thereof;

(*c*) whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demands of other persons entitled to water;

(*d*) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water;

(*e*) within the periods fixed from time to time by the Irrigation Officer of which due notice shall be given;

(*f*) whenever there is diminution in the supply of water in the irrigation work due to any natural or seasonal causes and so long as it is necessary to do so.

30. Supply of water for irrigation of one or more crops.—When water from an irrigation work is supplied for the irrigation of one or more crops only, the right to use such water shall be deemed to continue only until such crop or crops shall come into maturity, and to apply only to such crop or crops.

31. Regulation of cultivation on wet lands.—(1) Subject to the provisions of section 32, and subject to such directions as may be issued from time to time, the Irrigation Officer may in any year, having regard to the quantity of water available in any irrigation work under his control determine, by order published in the prescribed manner and within the time prescribed, the areas or lands or portions of the wet lands in the irrigable area of such irrigation work, to be cultivated with paddy, sugarcane, or any perennial crop or intermittent irrigated dry crops or with dry or semi-dry crops and regulate the supply of water for irrigation accordingly.

(2) If, in accordance with a decision of the Irrigation Officer under sub-section (1), any land entitled to supply of water under the irrigation work is not supplied with water, the holder of such land shall be liable to pay only the dry assessment of such land.

(3) From the order of the Irrigation Officer under this section, an appeal shall lie within fifteen days from the date of publication of the said order, to the Deputy Commissioner of the district.

32. Power to prescribe the kind of crop to be grown under the irrigation area and the period of sowing such crop.—(1) Whenever the State Government is satisfied that for the better cultivation of lands and due preservation of the water-resources of an irrigation work, it is expedient and desirable in public interests to regulate the kind of crop that should be grown on lands under such irrigation work and the period of sowing such kinds of crop, it may, by notification, make a declaration to that effect.

(2) On the making of a declaration under sub-section (1), the Irrigation Officer, after consultation with the committee appointed under section 27 and with the approval of the Deputy Commissioner, may specify by notification published in such manner as may be prescribed, the kinds of crop that shall be grown on any land under such irrigation work and the period of sowing and planting such crops.

(3) On the publication of a notification under sub-section (2), no person shall grow or allow any crop other than the crops specified in such notification to be grown on any land under such irrigation work and no person shall sow or plant or allow the sowing or planting of crop at any time other than during the period specified in such notification.

(4) In all cases in which the person who has sown or grown any unauthorised crop or allowed any land to be grown or sown with such unauthorised crop cannot be found, the holder of the land in addition to such other person concerned, shall be liable for contravening the provisions of this section :

Provided that if no water is utilised either directly or indirectly from the irrigation work for growing any crop, the provisions of sub-sections (3) and (4) shall not be applicable.

CHAPTER V.

AWARD OF COMPENSATION.

33. Compensation for damage caused consequent on the exercise of powers conferred by this Act.—Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Act, which is capable of being ascertained :

Provided that no compensation shall be so awarded in respect of any damage arising from,—

(*a*) deterioration of climate or soil ; or

(*b*) stoppage of navigation or of the means of floating timber or of watering cattle ; or

(*c*) stoppage or diminution of the supply of water in consequence of the exercise of the power conferred by section 5, if no use has been made of such supply within the five years next before the date of the issue of the notification under section 5 ; or

(*d*) failure or stoppage of any water in a channel or irrigation work where such failure or stoppage is due to,—

(i) any cause beyond the control of the authority in charge of the irrigation work ;

(ii) the execution of any repairs, alterations or additions to the channel or irrigation work ;

(iii) any measures considered necessary by the Irrigation Officer, for regulating the proper flow of water in the channel or for maintaining the established course of irrigation ; or

(iv) circumstances mentioned under clauses (*a*) to (*f*) of section 29:

Provided further that any person who suffers loss from any stoppage or diminution of water supply to his lands due to any of the causes named in clause (*d*) of the preceding proviso shall be entitled to such remission of the water rate payable by him as may be authorised by the State Government.

34. Limitation of claims.—No claim for compensation under this Act for any damage shall be entertained after the expiration of one year from the time when the damage complained of commenced, provided that the Deputy Commissioner on sufficient cause shown to his satisfaction by the claimant for not making the claim within such period, may condone the delay, and entertain the claim.

35. Compensation for damage caused by entry on land, etc.—(1) In every case of entry upon any land or building or the utilisation of materials under sections 5, 6, 7 and 8, the Irrigation Officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work, to any crop, tree, building or other property and the value of the materials taken or utilised and, within one month from the date of such entry, compensation shall be tendered by the Irrigation Officer to the land-holder or owner of the property, as the case may be.

(2) If such tender is not accepted within a week of such tender, the Irrigation Officer shall forthwith refer the matter to the Deputy Commissioner for the purpose of determining the amount of compensation.

36. Claims to be preferred to the Deputy Commissioner.—(1) All claims for compensation under this Act other than claims of the nature provided for in section 35 shall be made to the Deputy Commissioner of the district in which such claim or part of it arises.

(2) The Deputy Commissioner shall enquire into all such claims and determine the amount of compensation, if any, which should be awarded. In determining such amount, the Deputy Commissioner shall, except in cases of acquisition under section 16, be guided by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, as far as possible:

Provided that regard shall be had to the diminution in the market value, at the time of awarding compensation, of the property in respect of which compensation is claimed; and where such market value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property caused by the exercise of the powers conferred by this Act:

Provided further that no order determining the amount of compensation shall be made by the Deputy Commissioner under this section without the previous approval of the State Government or such officer as the State Government may appoint in this behalf.

37. Appeal.—Any person aggrieved by the order of the Deputy Commissioner under section 35 or section 36 may, within ninety days from the date of communication of the order, prefer an appeal to the Mysore Revenue Appellate Tribunal.

38. Compensation when due and interest payable.—All sums of money payable for compensation awarded under this Chapter shall become due three months after the final award is made, and simple interest at the rate of four per centum per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same.

39. Abatement of revenue demand on interruption of water supply.—If compensation is awarded under section 36 on account of a stoppage or diminution of supply of water to any land paying land revenue to the State Government and the amount of the land revenue payable on account of such land has been fixed with reference to the water advantages appertaining thereto, the holder of the said land shall be entitled to an abatement of the amount of land revenue payable to such extent as shall be determined by the Deputy Commissioner of the district.

CHAPTER VI

OF OBTAINING LABOUR IN EMERGENCIES.

40. Requisition of labour for urgent works or repairs, etc.—(1) Whenever it appears to an Irrigation Officer or in his absence to the Tahsildar that—

(*a*) (i) unless some work or repair is immediately executed an irrigation work would sustain such serious damage as to cause sudden and extensive public injury, or

(ii) unless some clearance of an irrigation work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur, and

(*b*) persons necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to either himself call upon or to require the patel of the village or villages in the vicinity to call upon all or any of the able bodied persons who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same as such officer or other person authorised by him in this behalf may direct.

(2) In calling upon the able bodied persons to assist the execution of any work under sub-section (1), no discrimination shall be made on grounds of religion, race, caste or class or of any of them.

(3) Every person so requisitioned shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(4) An order made under sub-section (1), shall be immediately reported to the Deputy Commissioner and the Canal Officer.

41 Payment to persons requisitioned.—All persons complying with the requisition under section 40 shall, as soon as may be reasonably practicable, and in any case within fifteen days from the date of such compliance, be paid by the Canal Officer or the Tahsildar, as the case may be, for the work done by them at fifty per cent in excess of the rates payable for the time being prescribed by the

competent authority of the Public Works Department to persons attending to similar work:

Provided that for work done at night, payment shall be made at double such rates.

42. Appeals against order under section 41.—Any person who does not accept the amount tendered in payment under section 41 may appeal, within thirty days from the date of such tender, to the Deputy Commissioner whose decision shall be final.

CHAPTER VII

MAINTENANCE OF IRRIGATION WORKS.

43. Power to take over irrigation works for maintenance by Government.—If the State Government considers that in the interest of the proper irrigation of lands under any irrigation work maintained by any person or body of persons, the work of maintenance in a fit state of repair of such irrigation work should be undertaken by the State Government, and the cost of such maintenance or any part thereof recovered from the holders of lands benefited by such irrigation work, the State Government may, by notification, make a declaration to that effect, and thereafter the State Government shall take over and maintain in a fit state of repair such irrigation work:

Provided that no artificial reservoir owned by any land holder which is actually used for the purpose of irrigation by such land holder shall be notified under this section except,

(i) on the request of land holder; or

(ii) if in the opinion of the State Government such notification is necessary in the public interest:

Provided further that where a notification is issued in accordance with clause (ii) of the preceding proviso, the land holder concerned shall be paid such compensation for his rights as may be awarded by the Deputy Commissioner of the district after such enquiry as may be prescribed.

44. Levy of maintenance cess.—(1) The State Government shall levy a maintenance cess at rupees four per acre per annum on all lands in the area benefited by any irrigation work maintained by the State Government, the Tungabhadra Board or a Taluk Development Board or other authority :

Provided that where water is not made available for the use of any land benefited by an irrigation work for a period of not less than two consecutive years, the maintenance cess shall not be payable in respect of such land during the said period :

Provided further that where the maintenance cess has been paid for any year in respect of which such cess is not payable under the preceding proviso the amount so paid shall be refunded or adjusted towards the liability to pay the cess in respect of any later year in which water is made available for the use of such land.

(2) On and from the date of levy of the maintenance cess under sub-section (1), the irrigation cess, if any, levied as a separate charge on the lands liable to pay maintenance cess shall cease to be levied.

(3) The maintenance cess shall be a tax on the land in respect of which it is payable, and the provisions of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964) and the rules thereunder shall apply to the payment and recovery of the maintenance cess as they apply to the payment and recovery of the land revenue due upon the land in respect of which the maintenance cess is payable.

45. Payment to Tungabhadra Board, etc.—Where under any law for the time being in force the duty of maintenance of any irrigation work devolves on the Tungabhadra Board, a Taluk Development Board or other authority, an amount equal to the amount collected as maintenance cess on lands benefited by such irrigation work during every year shall be paid to the Tungabhadra Board, the Taluk Development Board or other authority concerned, in such manner as may be prescribed.

CHAPTER VIII.

SAFEGUARDS FOR IRRIGATION WORKS.

46. Limitation in respect of irrigation works.—Except as may be prescribed, no person other than the Irrigation Officer shall,—

(*a*) interfere with or divert the course of a natural stream; or

(*b*) construct any earthern or masonry bund or weir on any channel or stream, flowing above or below any field channel.

47. Interference with the functioning of cross drainage works.—No person, except with the written permission of the Irrigation Officer, shall obstruct the proper functioning of the various cross drainage works, such as culverts, aqueducts, super-passages, syphons, weirs and allied works constructed for the safety of the canals or channels.

48. Obligations of owners in respect of works affecting safety of canals:—(1) Every owner whose tank, well, pond, spring pond, talaparige or other reservoir is situated above any irrigation work, shall maintain the bunds and surplussing arrangements of such tank, well, pond, spring pond, talaparige or reservoir in a safe and efficient condition.

(2) If, in the opinion of the Irrigation Officer, such bunds or surplussing arrangements of the works referred to in sub-section (1) are not in a fit condition and are likely to endanger the irrigation works below, then the owner concerned shall be served with a notice to bring such bunds or surplussing arrangements to a reasonably fit condition, in such manner and within such time as may be specified in the notice.

(3) If the said owner fails to comply within the time specified or does repairs which in the opinion of the Irrigation Officer are unsatisfactory, the Irrigation Officer may carry out the necessary repairs and the cost thereof shall be recovered from the said owner as an arrear of land revenue.

(4) From any order of the Irrigation Officer under this section an appeal shall lie within one month from the date of communication of the order, to the Deputy Commissioner, whose decision thereon shall be final.

49. Mining or quarrying near irrigation works.—No person shall conduct mining or quarrying operations requiring the use of explosives within a distance of one kilometre from the boundaries of an irrigation work without the written permission of the Irrigation Officer.

50. Excavation of wells near irrigation works.—Save as provided in sub-section (2) of section 4, no new well shall be excavated within such distance as may be specified by the State Government from time to time, from the boundaries of an irrigation work, without the written permission of the Irrigation Officer.

51. Operation of sluice gates, etc.—No person other than the Irrigation Officer or other person duly empowered by the Irrigation Officer in this behalf, shall have the right to operate a sluice gate, regulator or flood gate of a reservoir, canal or channel.

52. Fishing and plying of boats, etc.—No person shall have the right to fish or ply any vessel in a reservoir or tank or across or along a canal or channel maintained or controlled by the Government without the permission in writing of the State Government or of such officer as may be empowered in this behalf by the State Government, and except under such terms and conditions and subject to payment of such fees as may be prescribed :

Provided that no permission for fishing in any tank with an achkat of not more than five hundred acres shall be granted by any officer empowered under this section except with the concurrence of the Irrigation Officer.

53. Letting out of water from canal prohibited.—No person other than the Irrigation Officer or any officer duly empowered in this behalf shall let out water from a canal or channel by cutting the bund, constructing a sluice or outlet or any other similar contrivance.

54. Depositing produce of Mines in or near channels prohibited.—No person shall deposit any produce of mines in or near any channel or other work, whether natural or artificial, through which rain or other water flows into any irrigation work.

CHAPTER IX

PENALTIES AND PROCEDURE.

55. Offences under the Act.—Whoever voluntarily and without proper authority —

(*i*) damages, alters, enlarges or obstructs any irrigation work ;

(*ii*) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through, over, or under any irrigation work or by any means raises or lowers the level of the water in any irrigation work;

(*iii*) opens, shuts or obstructs or attempts to open, shut or obstruct, any sluice or outlet or any other similar contrivance in any irrigation work;

(*iv*) corrupts or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(*v*) destroys, defaces or moves any land-mark or level-mark or water-gauge fixed by the authority of a public servant;

(*vi*) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(*vii*) causes any animal or vehicle to pass on or across any of the works, banks, canals or channels of an irrigation work contrary to rules made under section 71 after he has been required to desist therefrom;

(*viii*) causes or permits any animal to graze or be tethered upon the bank of any irrigation work;

(*ix*) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation work;

(*x*) puts up a dam across or otherwise obstructs the free course of water the right to which vests in the Government;

(*xi*) being responsible for the maintenance of the field channel or using the field channel, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom or uses such water in an unauthorised manner;

(*xii*) prevents or interferes with the lawful use of a field channel by any person authorised to use the same, or declared to be a joint user thereof under sections 20 and 22;

(*xiii*) contravenes any provision of this Act;

(*xiv*) contravenes any rule made under section 71, the contravention whereof is declared in the rules made under that section to be an offence punishable under this section

shall, on conviction, be punished for offences under clauses (*vi*), (*x*), (*xi*) and (*xii*) with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, and for offences under any other clause with imprisonment for a term which may extend to two months, or with fine which may extend to five hundred rupees or with both :

Provided that for a second or subsequent offence under clauses (*vii*) and (*viii*) such fine shall not be less than fifty rupees and under the other clauses such fine shall not be less than two hundred and fifty rupees :

Provided further that in the case of a continuing offence a daily fine not exceeding fifty rupees during the period of the continuance of the offence shall also be imposed.

56. Persons convicted under section 55 liable to repair the damage, etc.—When any person is convicted of an offence under section 55, the Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water-gauge or apparatus in respect of which the conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, the Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person as an arrear of land revenue.

57. Abetment.—Whoever abets any offence punishable under this Act, or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

58. Punishment for vexatious exercise of power.—(1) If any officer or other person duly empowered to take action under this Act, exercises without reasonable cause for the purpose of vexation or with malicious intention any power under this Act, he shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) No prosecution under sub-section (1) shall be entertained except on a complaint by an officer authorised by the State Government in that behalf.

59. Punishment under other laws not barred.—Nothing contained in this Act shall prevent any person from being prosecuted under any other law for the time being in force for any act or omission made punishable by this Act.

60. Offences under this Act to be cognizable.— All offences under this Act except offences under clauses (*vii*) and (*viii*) of section 55, shall be cognizable.

61. Power to remove obstruction or damage to work.—Any person in charge of or employed upon any irrigation work, may remove from the land or buildings belonging thereto, or may take into custody without a warrant, and without unnecessary delay make over to a police officer or in the absence of a police officer take or cause to be taken in custody to the nearest police station, any person who within his view—

(*a*) wilfully damages, alters, enlarges or obstructs any irrigation work;

(*b*) without proper authority interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage or render less useful such irrigation work.

62. Payment of fine as reward to informant.—Whenever any person is fined for an offence under this Act, the court which imposes such fine, or which confirms in appeal or revision a sentence of such fine, or a sentence of which such fine forms a part, may direct that the whole or any part of such fine may be paid by way of reward to any person who gave information leading to the detection of such offence or to the conviction of the offender.

If the fine is ordered to be paid as a reward by a court whose decision is subject to appeal or revision, the amount ordered to be so paid, shall not be paid until the period prescribed for presentation of the appeal has elapsed, or if an appeal is preferred till after the decision of the appeal.

CHAPTER X.

MISCELLANEOUS.

63. Recovery of cost of repairing damage when the offender is unascertainable.—When the person causing any damage, alteration, enlargement or obstruction to any irrigation work without proper authority cannot, after such enquiry as the Deputy Commission may deem sufficient, be ascertained or identified, the Deputy Commissioner may, on a requisition from the Irrigation Officer, after giving not less than one month's notice to the holders and occupiers of all lands benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, in such proportion as he thinks fit, the cost of repairing such damage, or of removing such alteration, or obstruction.

64. Liability when person using water unauthorisedly cannot be found.—(1) If water supplied through a field channel is used in any unauthorised manner, and if the person by whose act or neglect such use has occurred cannot be found after such enquiry as the Irrigation Officer may deem sufficient, the Irrigation Officer after giving not less than one month's notice to the holders and occupiers of all lands benefited thereby and after hearing their representaions, if any, make an order for the recovery of such charges as may be prescribed for such use from such holders and occupiers in such proportion as he may find just.

(2) All charges for the unauthorised use of water determined under sub-section (1) shall be recoverable as an arrear of land revenue.

65. Appeals against orders under the Act.—Any person aggrieved by an order of an Irrigation Officer under section 12 or 24 may within thirty days from the date of communication of the order, prefer an appeal to the Deputy Commissioner of the district.

66. Power of revision.—The Divisional Commissioner may call for and examine the records of the proceedings under this Act of a Deputy Commissioner or an Irrigation Officer or any officer subordinate to the Deputy Commissioner or the Irrigation Officer for the purpose of satisfying himself as to the correctness, legality or propriety

of any decision or order passed and the regularity of the proceedings of such officer.

When on examination of the records of any case, the Divisional ommissioner considers that any order or decision of such officer should be revised, such order or decision may be revised or altered and the Divisional Commissioner may pass such other orders as he may deem just.

67. Power to summon and examine witnesses.—Any officer empowered under this Act to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on a civil court, by the Code of Civil Procedure, 1908, and every such enquiry shall be deemed to be a judicial proceeding for purposes of sections 193 and 224 of the Indian Penal Code.

68. Service of notices.—Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed by the o cer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person therein named. hen such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the service of the notice may be made by sending a copy of such notice by registered post to such person at his usual place of residence.

69. Bar of certain proceedings, etc.—(1) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government, for any act done or purporting to be done under this Act, without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of the functions imposed by or under this Act.

(3) No suit shall be instituted against the State Government n respect of any act done unless the suit is instituted within six months from the date of the act complained of.

(4) In the case of an intended suit against any officer or servant of the State Government under sub-section (1), the person intending to sue shall be bound to give the officer or servant, as the case may be, one month's notice at least of the intended suit with sufficient description of the cause of action, failing which such suit shall be dismissed.

(5) Save as otherwise expressly provided in this Act, no civil court shall entertain any suit instituted in respect of any matter to which this Act applies.

70. Offences by companies.—(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals, and

(*b*) "director" in relation to a firm means a partner in the firm.

71. Power to make rules.—(1) The State Government may, after previous publication, by notification, make rules for the purpose of carrying out the provisions of this Act, and such rules may be general for all irrigation works or may be special for one or more irrigation works, as may be specified in such rules.

(2) Without prejudice to the generality of the foregoing power, such rules may be made in respect of the following matters :—

(*a*) the proceedings of any officer who under any provision of this Act is required or empowered to take action in any matter;

(*b*) the amount of and charges to be made under this Act;

(*c*) the economic use of water supplied from any irrigation work;

(*d*) the manner in which and the officer by whom complaints, as to the inadequacy of means of crossing shall be investigated under section 10 ;

(*e*) regulating the period of opening and closing of channels distributaries and sub-distributaries of irrigation works.

(3) All rules made under this Act shall, subject to any modification made under sub-section (4), have effect as if enacted in this Act.

(4) Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

72. Repeal and savings.—(1) The Mysore Irrigation Act, 1932 Mysore Act I of 1932), the Hyderabad Irrigation Act, 1357F (Hyderabad Act 24 of 1357F), the Bombay Irrigation Act, 1879 (Bombay ct 7 of 1879), the Madras Irrigation Tanks (Improvement) Act, 1949 Madras Act XIX of 1949), and the Madras Irrigation Works Repairs, Improvement and Construction) Act, 1943 (Madras Act VIII of 1943), are hereby repealed :

Provided that the provisions of section 6 of the Mysore General lauses Act, 1899 (Mysore Act 3 of 1899), shall be applicable in respect of the said repeal and sections 8 and 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

(2) The Mysore Tank Panchayat Act, 1911 (Mysore Act 1 of 1911), is hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899), shall be applicable in respect of the repeal of the said enactment:

Provided further that the properties, rights and liabilities of a Tank Panchayat constituted under the repealed enactment shall vest in the Village Panchayat constituted under the Mysore Village Panchayats and Local Boards Act, 1959, and having jurisdiction over the area, and the moneys at the credit of the tank fund under the control of such Tank Panchayat shall stand transferred to the Panchayat Fund of the said Village Panchayat.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU, *Secretary*.

Printed by the Director of Printing, Stationery and Publications at the Govt. Press, Bangalore.

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PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

ERRATUM

No. LAW 8 LGN 61, dated 23th August 1965.

In Section 39 of the Mysore Land Reforms (Amendment) Act, 1965 as published at page 107 of Part IV—Section 2-B of the *Mysore Gazette*, dated 29th July 1965, the Words and Figures "Limitation Act, 1 " may be read as "Limitation Act, 1963".

M. L. RAMASWAMI,
Deputy Secretary to Government,
Law Department.

Printed by the Director of Printing, Stty. & Publications at the Govt. Press, Bl'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 52 LGN 65, dated Bangalore, 5th November 1965.

Ordered that the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1965 which received the assent of the Governor, on the Fourth day of November 1965, be published as Mysore Act No. 18 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 18 OF 1965.

(*First published in the* Mysore Gazette *on the Eleventh day of November* 1965).

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) ACT, 1965.

(*Received the assent of the Governor on the Fourth day of November 1965*).

An Act further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1965.

(2) It shall come into force at once.

2. Amendment of section 10.—In sub-section (1) of section 10 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957),—

(1) clause (a) shall be omitted;

(2) for item (ii), the following item shall be substituted, namely:—

"(ii) different in respect of water supplied, made available or used from different irrigation works, and when water is supplied, made available or used for irrigation of any land, with or without reference to the crop or crops grown or which may be grown on such land;".

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

NOTIFICATION.

(Law Department).

LAW 49 LGN 65, Bangalore, dated 6.h November 1965.

Ordered that the Mysore Sales of Motor Spirit Taxation (Amendment) Act, 1965 which received the assent of the Governor on the fourth day of November 1965, be published as Mysore Act No. 19 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 19 OF 1965.

(*First published in the* Mysore Gazette *on the Eleventh day of November 1965*).

THE MYSORE SALES OF MOTOR SPIRIT TAXATION (AMENDMENT) ACT, 1965.

(*Received the assent of the Governor on the Fourth day of November 1965*)

An Act further to amend the Mysore Sales of Motor Spirit Taxation Act, 1957.

WHEREAS it is expedient further to amend the Mysore Sales of Motor Spirit Taxation Act, 1957 (Mysore Act 20 of 1957);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Sales of Motor Spirit Taxation (Amendment) Act, 1965.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 3.—In sub-section (1) of section 3 of the Mysore Sales of Motor Spirit Taxation Act, 1957 (Mysore Act 20 of 1957), for the words "five naye paise per litre", the words "eight paise per litre" shall be substituted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 12 LGN 65, Bangalore, dated 6th November 1965.

Ordered that the Mysore Contingency Fund (Amendment) Act, 1965, which received the assent of the Governor on the fourth day of November 1965, be published as Mysore Act No. 20 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 20 OF 1965.

(First published in the Mysore Gaze'te on the Eleventh day of November 1965.)

THE MYSORE CONTINGENCY FUND (AMENDMENT) ACT, 1965.

(Received the assent of the Governor on the Fourth day of November 1965)

An Act further to amend the Mysore Contingency Fund Act, 1957.

WHEREAS it is expedient further to amend the Mysore Contingency Fund Act, 1957 (Mysore Act 11 of 1957);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Contingency Fund (Amendment) Act, 1965.

2. Amendment of section 2.—In section 2 of the Mysore Contingency Fund Act, 1957 (Mysore Act 11 of 1957) for the words "two crores of rupees", the words "four crores of rupees" shall be substituted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

NOTIFICATION.

LAW DEPARTMENT.

No. LAW 55 LGN 6', Bangalore, dated 6th November 1965.

Ordered that the Mysore Appropriation (No. 5) Act, 1965 which received the assent of the Governor on the third day of November 1965, be published as Mysore Act No. 21 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT NO. 21 OF 1965.

First published in the Mysore Gazette on the Eleventh day of November 1965).

THE MYSORE APPROPRIATION (No. 5) ACT, 1965.

(Received the assent of the Governor on the Third day of November 1965).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66 ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Mysore Appropriation (No. 5) Act, 1965.

2. Issue of rupees 1,17,72,847 out of the Consolidated Fund of the State for the financial year 1965-66.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one crore, seventeen lakhs, seventy two thousand, eight hundred and forty seven rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

NOTIFICATION.

LAW DEPARTMENT.

No. LAW 55 LGN 6', Bangalore, dated 6th November 1965.

Ordered that the Mysore Appropriation (No. 5) Act, 1965 which received the assent of the Governor on the third day of November 1965, be published as Mysore Act No. 21 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT NO. 21 OF 1965.

First published in the Mysore Gazette on the Eleventh day of November 1965).

THE MYSORE APPROPRIATION (No. 5) ACT, 1965.

(Received the assent of the Governor on the Third day of November 1965).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66 ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Mysore Appropriation (No. 5) Act, 1965.

2. Issue of rupees 1,17,72,847 out of the Consolidated Fund of the State for the financial year 1965-66.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one crore, seventeen lakhs, seventy two thousand, eight hundred and forty seven rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 and 3)

No. of Demand		Services and Purposes	Sums not exceeding: Voted by the Legislative Assembly	Sums not exceeding: Charged on the Consolidated Fund	
1	2				
		A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
5	12	Sales Tax	7,78,000	...	7,78,000
10	19	General Administration ...	100	...	100
15	23	Police	200	...	200
17	28	Education	100	...	100
20	31	Agriculture	43,86,300	...	43,86,300
22	33	Animal Husbandry	100	...	100
23	34	Co-operation	200	...	200
24	35	Industries	200	...	200
25	37	C.D.P., N.E.S. and L.D. Works ...	100	...	100
26	38	Labour and Employment ...	100	...	100
31	50	Public Works	600	...	600
39	71	Miscellaneous	100	...	100
		Total 'A' ...	51,16,100	...	51,16,100
		C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.			
44	96	Capital Outlay on Industrial and Economic Development ...	300	...	300
48	103	Capital Outlay on Public Works ...	19,35,000	..	19,35,000
		Total—'C' ...	19,35,300	...	19,35,300
		E. DISBURSEMENT OF ADVANCES AND LOANS.			
64		Q. Loans and Advances by State/Union Territory Governments ...	47,21,447	...	47,21,447
		Grand Total ...	1,17,72,847	...	1,17,72,847

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

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PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 13 LGN 65, Bangalore, dated 11th November 1965.

Ordered that the Mysore Warehouses (Amendment) Act, 1965, which received the assent of the Governor on the ninth day of November 1965, be published as Mysore Act No. 22 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 22 OF 1965.

(First published in the Mysore Gazette *on Eighteenth day of November, 1965).*

THE MYSORE WAREHOUSES (AMENDMENT) ACT, 1965.

[*(Received the assent of the Governor on the Ninth day of November 1965).*

An Act to amend the Mysore Warehouses Act, 1961.

WHEREAS it is expedient to amend the Mysore Warehouses Act, 1961 (Mysore Act 11 of 1962);

BE it enacted by the Mysore State Legislature in the Sixteenth year of the Republic of India, as follows:—

1. Short title.—This Act may be called the Mysore Warehouses (Amendment) Act, 1965.

2. Insertion of new section 32-A.—After section 32 of the Mysore Warehouses Act, 1961 (Mysore Act 11 of 1962), the following section shall be inserted, namely:—

"**32-A. Warehousemen and depositors to comply with the provisions of Central Act 1 of 1944.**—In respect of goods warehoused under this Act to which the provisions of the Central Excises and Salt Act, 1944, are applicable, every warehouseman or depositor shall comply with the provisions of the said Act and the rules and notifications issued thereunder in so far as they are applicable to such goods."

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

NOTIFICATION.

(LAW DEPARTMENT).

LAW 50 LGN 65, Bangalore, dated 11th November 1965.

Ordered that the Mysore Motor Vehicles Taxation (Amendment) Act, 1965 which received the assent of the Governor on the ninth day of November 1965, be published as Mysore Act No. 23 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 23 OF 1965.

(First published in the Mysore Gazette *on Eighteenth day of November 1965).*

THE MYSORE MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1965.

(Received the assent of the Governor on the ninth day of November 1965).

An Act further to amend the Mysore Motor Vehicles Taxation Act, 1957

WHEREAS, it is expedient further to amend the Mysore Motor Vehicles Taxation Act, 1957 (Mysore Act 35 of 1957);

BE it enacted by the Mysore State Legislature in the Sixteenth year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Motor Vehicles Taxation (Amendment) Act, 1965.

(2) It shall come into force on the first day of January 1966.

2. Amendment of the Schedule.—In the Schedule to the Mysore Motor Vehicles Taxation Act, 1957 (Mysore Act 35 of 1957),—

(1) in Part 'A', for item 3, the following item shall be substituted, namely :—

"3. Goods Vehicles.—

(i)	(a) Dot Motor Cycle trucks not exceeding 300 Kgs. in weight laden.	Rs. 45—00	Rs. 55—00
	(b) Vehicles not exceeding 1,000 kgs. in weight laden.	79—00	112—00
	(c) Vehicles exceeding 1,000 kgs. but not exceeding 1,500 kgs. in weight laden.	145—00	212—00

	Rs.	Rs.
(d) Vehicles exceeding 1,500 kgs. but not exceeding 2,000 kgs. in weight laden.	172—00	252—00
(e) Vehicles exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight laden.	212—00	312—00
(f) Vehicles exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight laden.	270—00	405—00
(g) Vehicles exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight laden.	400—00	600—00
(h) Vehicles exceeding 5,500 k s. but not exceeding 7,000 kgs. in weight laden.	500—00	750—00
(i) Vehicles exceeding 7,000 kgs. but not exceeding 8,500 kgs. in weight laden.	600—00	900—00
(j) Vehicles exceeding 8,500 kgs. but not exceeding 9,500 kgs. in weight laden.	650—00	975—00
(k) Vehicles exceeding 9,500 kgs. but not exceeding 10,500 kgs. in weight laden	700—00	1050—00
(l) Vehicles exceeding 10,500 kgs. in weight laden	800—00	1200—00
(ii) Additional Tax payable in respect of goods vehicles specified in paragraph (i) used for drawing trailers:—		
(a) For each trailer, not exceeding 1,000 kgs. in weight laden ...	50—00	75—00
(b) For each trailer, exceeding 1,000 kgs. but not exceeding 1,500 kgs. in weight laden	99—00	150—00
(c) For each trailer, exceeding 1,500 kgs. but not exceeding 2,000 kgs. in weight laden ...	113—00	169—00
(d) For each trailer, exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight laden	158—00	236—00
(e) For each trailer, exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight laden	203—00	304—00
(f) For each trailer, exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight laden	300—00	450—00
(g) For each trailer, exceeding 5,500 kgs. but not exceeding 7,000 kgs. in weight laden.	375—00	563—00
(h) For each trailer, exceeding 7,000 kgs. but not exceeding 9,000 kgs. in weight laden	450—00	675—00

	Rs.	Rs.
(i) For each trailer, exceeding 9,000 kgs. but not exceeding 9,500 kgs. in weight laden	487—50	731—25
(j) For each trailer, exceeding 9,500 kgs. but not exceeding 10,500 kgs. in weight laden.	525—00	787—00
(k) For each trailer, exceeding 10,500 kgs. in weight laden	600—00	900—00

Provided that two or more goods vehicles shall not be chargeable under this clause in respect of the same trailer."

(2) in Part 'B' in item 5, for paras (*e*) to (*l*) of sub-item (i), and sub-item (ii), the following paras and sub item shall be substituted, namely :—

" (e) Goods vehicles exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight laden.	84—00	101—00
(f) Goods vehicles exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight laden	45—00	135—00
(g) Goods vehicles exceeding 5,500 kgs. but not exceeding 7,000 kgs. in weight laden	58—00	174—00
(h) Goods vehicles exceeding 7,000 kgs. but not exceeding 8,500 kgs. in weight laden	78—00	231—00
(i) Goods vehicles exceeding 8,500 kgs. but not exceeding 9,500 kgs. in weight laden.	83—00	247—00
(j) Goods vehicles exceeding 9,500 kgs. but not exceeding 10,500 kgs. in weight laden	100—00	300—00
(k) Goods vehicles exceeding 10,500 kgs. in weight laden	120—00	360—00

(ii) Additional tax payable in respect of goods vehicles used for drawing trailers :—

(a) For each trailer not exceeding 1,000 kgs. in weight laden ...	6—50	19—00
(b) For each trailer exceeding 1,000 kgs. but not exceeding 1,500 kgs. in weight laden	12—50	37—50
(c) For each trailer exceeding 1,500 kgs. but not exceeding 2,000 kgs. in weight laden, ...	14—00	43—00

	Rs.	Rs.
(d) For each trailer exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight laden	20—00	59—00
(e) For each trailer exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight laden	26—00	76—00
(f) For each trailer exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight laden	34—00	101—00
(g) For each trailer exceeding 5,500 kgs. but not exceeding 7,000 kgs. in weight laden.	44—00	161—00
(h) For each trailer exceeding 7,000 kgs. but not exceeding 9,000 kgs. in weight laden	59—00	173—00
(i) For each trailer exceeding 9,000 kgs. but not exceeding 9,500 kgs. in weight laden	62—00	185—00
(j) For each trailer exceeding 9,500 kgs. but not exceeding 10,500 kgs. in weight laden	75—00	225—00
(k) For each trailer exceeding 10,500 kgs. in weight laden.	90—00	270—00"

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,
Law Department.

NOTIFICATION.

(LAW DEPARTMENT.)

No. LAW 42 LGN 65, Bangalore, dated 11th November 1965.

Ordered that the Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Act 1965 which received the assent of the Governor on the ninth day of November 1965, be published as Mysore Act No. 24 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 24 OF 1965.

(First published in the Mysore Gazette *on the Eighteenth day of November 1965).*

THE MYSORE LOCAL AUTHORITIES (POSTPONEMENT OF ELECTIONS AND CONTINUANCE OF ADMINISTRATORS) ACT, 1965.

(Received the assent of the Governor on the Ninth day of November 1965).

An Act to provide for the postponement of elections to certain local authorities and the continuance of Administrators of local authorities.

WHEREAS the President of India has issued a Proclamation of Emergency under clause (1) of Article 352 of the Constitution of India ;

AND WHEREAS during the present period of continuance of the Emergency it is necessary to postpone the elections to certain local authorities and to continue administrators in respect of certain other local authorities ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title and commencement :—(1) This Act may be called the Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Act, 1965.

(2) It shall come into force at once.

2. Definitions :—In this Act, unless the context otherwise requires,—

(*a*) "local authority" means a local authority constituted or established under any of the Acts specified in the Schedule to this Act and includes any body functioning under such Act as is specified in column (1) thereof;

Explanation:—For the purposes of this clause 'any body functioning under such Act' shall include any body functioning under section 381 of the Mysore Municipalities Act, 1964

(*b*) "Proclamation of Emergency" means the Proclamation issued by the President of India on the 26th October 1962, under clause (1) of Article 352 of the Constitution of India;

(*c*) "relevant Act" in respect of any local authority specified in column (1) of the Schedule to this Act means the Act specified in the corresponding entry in column (2) of the said Schedule, under which it is constituted or established, or continued to exercise the powers and perform the functions of any such authority.

3. Postponement of elections:—(1) On the commencement of this Act and during the continuance of the operation of the Proclamation of Emergency, notwithstanding any judgment, decree or order of any court or other authority or anything contained in any enactment by or under which any local authority is constituted or established, or continued,—

(*a*) no general election to, or election to fill any casual vacancy in, any local authority shall be held, or if any such election has commenced, but the poll has not taken place, the election shall not be completed;

(*b*) the term or extended term of office of the councillors or members of the local authorities, who are in office on the date of commencement of this Act (and whose term or extended term will expire during the period of operation of the Proclamation of Emergency), shall be deemed to be extended up to and inclusive of the last day on which the Proclamation of Emergency remains in operation:

Provided that after the expiry of the term of the said councillors or members of the local authorities as so extended by this section they shall continue in office until the first meeting of the reconstituted local authority at which a quorum is present.

(2) Nothing in sub-section (1) shall be deemed to preclude the supersession of any local authority in accordance with the provisions of the relevant Act.

4. Power to appoint Administrator:—Notwithstanding anything contained in section 3, if at any time it appears to the State Government that any local authority is, by reason of the absence of a quorum or for any other reason, unable to exercise the powers and perform or discharge the duties and functions conferred or imposed on it by or under the relevant Act or any other law for the time being in force, the State Government may by notification in the official Gazette, appoint an administrator who shall exercise all the powers and perform and discharge the duties and functions of such local authority for such period or periods not exceeding the periods mentioned in clause (*b*) of sub-section (1) of section 3, and until the first general meeting of the reconstituted local authority, at which a quorum is present.

5. Continuance of Administrators:—Notwithstanding anything contained in any enactment, where in respect of any local authority an Administrator has been appointed before the commencement of this Act, the State Government may by order, from time to time, continue the period of such appointment during the period of operation of the Proclamation of Emergency.

6. Advisory Council:—The State Government may, if it thinks fit, appoint an Advisory Council to advise and assist the Administrator appointed under section 4 or continued under section 5 in the exercise of his powers and the performance and discharge of his duties and functions. The members of the Advisory Council shall hold office during the pleasure of the State Government.

7. Application of relevant Act:—Except as otherwise provided by this Act, the relevant Act shall in all other respects apply to the local authority concerned.

8. Certain acts not to have any effect:—Notwithstanding any judgment, decree or order of any court or anything contained in any enactment or law, any thing done or any action taken (including notifications, notices, or orders issued or poll taken) in respect of any general

election to, or election to fill any casual vacancy in any local authority, where such general election or election to fill the casual vacancy has not been wholly completed, shall not have any effect whatsoever and the provisions of sections 3 and 4 shall have effect as if no such thing was done or action was taken.

9. Removal of difficulties.—If any difficulty arises in giving effect to the provisions of this Act or in giving effect to the provisions of any relevant Act or any other law for the time being in force relating to any local authority, in respect of which an order has been made under section 4 or 5, the State Government may, as occasion requires, by notification in the official Gazette, do anything which appears to it to be necessary for the purpose of removing the difficulty.

10. Repeal :—The Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Ordinance, 1965 is hereby repealed :

Provided that any order issued, any thing done or any action taken under the said Ordinance shall be deemed to have been issued, done or taken under the corresponding provision of this Act.

SCHEDULE

(*See* section 2)

Local authorities (1)	Act (2)
The Corporation of the City of Hubli-Dharwar.	The Bombay Provincial Municipal Corporations Act, 1949 (Bombay Act 59 of 1949).
The Corporation of the City of Bangalore.	The City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949).
Municipal Councils and other Municipal Bodies.	The Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964).
Taluk Development Boards.	The Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959).
Town Panchayats and Village Panchayats.	The Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959).

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,

Law Department.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 45 LGN 65, Bangalore, dated 11th November 1965.

Ordered that the Channarayapatna Town Municipality (Alteration of Limits) Validation Act, 1965, which received the assent of the Governor on the ninth day of November 1965, be published as Mysore Act No. 25 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 25 OF 1965.

(*First published in the* Mysore Gazette *on the Eighteenth day of November* 1965).

THE CHANNARAYAPATNA TOWN MUNICIPALITY (ALTERATION OF LIMITS) VALIDATION ACT, 1965.

(*Received the assent of the Governor on the Ninth day of November 1965*).

An Act to validate the alteration of the limits of Channarayapatna Town Municipality

WHEREAS in pursuance of the powers conferred by sub-section (1) of section 7 of the Mysore Town Municipalities Act, 1951 (Mysore Act 22 of 1951), the proposals to alter the limits of Channarayapatna Town Municipality were notified in Notification No. L. 6103/ML 58—51-2, dated the 3rd/7th September 1951, annexed to the Schedule ;

AND WHEREAS the area comprised within the limits indicated in the said notification of the 3rd/7th September 1951 is being administered as forming the altered limits of the said municipality ;

AND WHEREAS it is deemed expedient to validate the said alteration of the limits of the said municipality ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short Title :—This Act may be called the Channarayapatna Town Municipality (Alteration of Limits) Validation Act, 1965.

2. Definitions :—In this Act,—

(*a*) " Notification " means Notification No. L. 6103/ ML–58–51–2, dated the 3rd/7th September 1951 annexed to the Schedule ;

(*b*) " Schedule " means the Schedule to this Act.

3. Validation of alteration of limits of the Channarayapatna Town Municipality :—(1)Notwithstanding anything

contained in the Mysore Town Municipalities Act, 1951 (Mysore Act 22 of 1951) (hereinafter referred to as the said Act), the limits of the Channarayapatna Town Municipality (hereinafter referred to as the said municipality) shall, with effect from the seventh day of September 1951, be deemed to have been validly altered as indicated in the notification and the said alteration of the limits of the said municipality shall not be called in question merely on the ground that it was not altered in accordance with the procedure laid down in section 7 of the said Act.

(2) Notwithstanding anything contained in the said Act or any other law any thing done or any action taken (including any appointment, rule, order or bye-law made, notification or notice issued, taxes and rates imposed or collected, contracts entered into and suits and other proceedings instituted)by the Channarayapatna Town Municipal Council or any other authority authorised by it under the said Act in respect of any area which is deemed to have been included within the altered limits of the said municipality shall be deemed to have been done or taken as if the said Act was in force in the said area and the said area was within the limits of the said municipality; and any such thing done or action taken which, but for the provisions of this Act, would have been invalid shall be and shall always be deemed to have been valid as if the said area had been included within the limits of the said municipality and shall not be called in question merely on the ground that the limits have not been altered in accordance with the provisions of the said Act, when such thing was done or action taken.

SCHEDULE

NOTIFICATION.

No. L. 6103/*M L.* 58-51-2, *dated Bangalore,*
3rd/7th September 1951.

Under Section 7 (1) of the Town Municipalities, Act, 1951 (Mysore Act XXII of 1951) it is hereby notified that it is proposed to alter, as noted below, the limits of Channarayapatna Municipality.

Any person objecting to the above proposal may send his objections with the reasons therefor in writing to the Commissioner, Local Self-Government in Mysore, Bangalore, within two months from the date of this notification. Objections received after the expiry of this period will not be considered. .The revised municipal boundary of the Channarayapatna Town Municipality will be as follows :—

The boundary will start from the existing boundary stone from the north of Channarayapatna Town in Bagur Road and runs down to the east and will take a turn towards south in survey no. 20 of Guranahalli Village and turns from the edge of the tank towards south and passes through survey no. 21 of Guranahalli Village and will take a turn towards east of survey nos. 4, 5, 6 and 8 of Channarayapatna and towards west and passes through the tank wasteweir and will take a turn towards east of survey nos. 36, 38, 39, 40, 41, 42, 43, 44, 45, 50, 59 and 60 of Channarayapatna and will join the existing boundary stone in Bangalore—Mangalore Road. Again it proceeds towards east upto Pirangi Mata and turns towards south of survey nos. 61, 62 of Channarayapatna and crosses survey no. 64 of Channarayapatna and turns towards south and will join the Sravanabelagola Road and the boundary stone will have to be fixed at Bindenahalli Gate Pillar in south-east corner of Channarayapatna. Then it turns towards west and proceeds upto survey no. 72 of Channarayapatna and turns towards south of survey nos. 72, 73 and 74 of Channarayapatna and again joins the existing boundary stone in Bangalore—Mangalore Road. Then it turns towards south of survey nos. 76, 77, 78, 79 and 80 of Channarayapatna and the road corner of Devasthanada Kalenahalli Village and turns towards west and proceeds upto survey no. 108 and turns towards south of survey no. 108 of Channarayapatna and turns to west and proceeds upto survey no. 111 and will turn to south-west corner of survey no. 111 of Channarayapatna and proceeds upto survey no. 107 and turns towards south of survey no. 107 and proceeds upto survey no. 113 again turns towards west upto survey no. 123 and turns towards south of survey no. 123 and turns towards the south of

proposed A. K. Colony and turns towards west upto survey no. 117 and turns to north of survey no. 117 and proceeds upto survey no. 122 and takes a turn towards south of survey No. 122 and joins the Mysore Road. The boundary stone will have to be fixed at the south-west corner of survey no. 118. Then it straight proceeds towards north in Mysore Road and turns to east of survey no. 90 of Nagasamudra Village and turns towards north upto survey no. 74 and turns towards west of survey nos. 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88 of Nagasamudra Village and proceeds upto survey no. 173 and turns towards north-west corner of survey no. 173 of Channarayapatna and crosses the Bangalore—Mangalore Road and cuts survey nos. 173 and 174. The boundary stone will have to be fixed on eastern side of the road at survey no. 175, *i.e.*, near the 92 mile of Bangalore—Mangalore Road. Then it proceeds towards north upto survey no. 175 and turns towards north-east of survey no. 175 and will turn to west of survey nos. 177 and 178 and again takes a turn towards north of survey nos. 178 and 184 and proceeds upto survey no. 183 and turns towards south-east of survey no. 183 and proceeds towards north and it goes towards north-east corner of survey no. 183 and passes through in middle of survey no. 25 of Guranhalli Village and turns towards north of survey no. 24 upto the end and again turns towards the east and joins the boundary stone in Bagur Road.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press. B'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCE

NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 62 LGN 65, Bangalore, dated 7th December 1965.

The following order made by the Governor of Mysore, is hereby published for general information, namely :—

ORDER.

In exercise of the powers conferred upon me by clause (1) of Article 174 of the Constitution of India, I, V. V. Giri, Governor of Mysore, do hereby summon the Mysore Legislative Assembly to meet at Bangalore at 1-00 P.M. on Friday, the 28th January 1966.

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

NOTIFICATION.

(LAW DEPARTMENT)

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V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

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Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(1)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated 9th November 1965.

G. S. R. 735.—In exercise of the powers conferred by Sections 16 and 18 of the Mysore Public Service Commission (Conduct of Business and Additional Functions) Act, 1959 (Mysore Act 20 of 1959), the Government of Mysore hereby makes the following rules, namely :—

1. Title.—These rules shall be called the Mysore Public Service Commission (Conduct of Service Examination) Rules, 1965.

2. Definitions.—In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Mysore Public Service Commission (Conduct of Business and Additional Functions) Act, 1959 (Mysore Act 20 of 1959).

(*b*) "Examination" or "Service Examination" means an examination which persons serving in connection with the affairs of the State are required to pass under the conditions of recruitment or service applicable to them notified by the Government under Section 16 of the Act.

3. Syllabi for examinations.—The Commission shall conduct the service examinations in accordance with such syllabi as may be specified in any general or special order.

4. Holding of examinations.—(1) Subject to the general or special orders of the Government, service examinations shall be conducted by the Commission twice every year in such months and on such dates as the Commission may determine.

(2) (*a*) Subject to such directions as may be given by the Commission, written examinations other than those held in the City of Bangalore shall be held in every headquarters of a district under the control of the Deputy Commissioner of the district concerned. In the City of Bangalore the examinations shall be conducted by the Commission.

(*b*) Notwithstanding anything contained in clause (a), the Commission may conduct such examinations as it deems fit only in the City of Bangalore.

5. Applications.—(1) The Commission shall, not less than two months prior to the date of holding any examination, publish a notification in the *Mysore Gazette* calling for applications and specifying the dates by which applications should reach the Commission. The notification shall also specify such other particulars relating to the examination as the Commission may deem fit. A period of not less than fifteen days shall elapse between the date of declaration of the result of an examination and the date of publication in the Gazette of the notification calling for applications for the next examination in the same subject.

(2) Every candidate appearing for any service examination shall send his application in the form prescribed by the Commission. The application shall be addressed to the Secretary and Controller of Departmental Examinations, Mysore Public Service Commission, so as to reach him on or

before such date as may be specified by the Commission while inviting the applications for the examination.

(3) Any application received after the date fixed for the receipt of applications, or which does not comply with the provisions of this rule, shall be rejected.

6. Fees payable for the examinations.—(1) The fees payable for admission of a candidate for any examination shall be such as the Commission may, with the approval of the Government, determine, subject to the condition that the fee for any examination shall not be more than fifteen rupees.

(2) Notwithstanding anything contained in sub-rule (1) where an examination is required to be passed during the period of probation or training of a Government servant, or for the purpose of being eligible to draw an increment, or for being confirmed in any post or for being eligible for promotion to higher post, no fee shall be payable for admission to the examination when the Government servant concerned applies for the first or second time for admission to such examination:

Provided that where a candidate who has been admitted to any examination under this sub-rule absents himself from the examination he shall not be entitled to the exemption under this sub-rule in respect of any later examination unless the absence was due to ill-health certified by the District Medical Officer or the authorised Medical Attendant or due to his inability to attend the examination on account of official work which he was required to attend to as certified by the Head of a Department in which he is serving:

Provided further that this sub-rule shall not be applicable to a Government servant in respect of whom the passing of the examination is not obligatory.

(3) Every candidate applying for admission to a service examination shall be required to make a declaration

specifying whether such examination is obligatory or not, and also specifying the number of times he appeared for the examination concerned. Such declaration shall be verified and attested by the Head of Office under whom the candidate is serving.

7. Refund of fees.—(1) The fee paid by any candidate shall be refunded in the following cases, namely :—

(i) when the examination is cancelled after applications are called for ;

(ii) when an application is rejected on the ground that it had been sent after the last date fixed for receipt of applications ;

(iii) when the candidate is not admitted to the examination ;

(iv) when the candidate is permitted to withdraw his candidature before the examination is held ;

(v) when the candidate is not liable to pay the fees ;

(vi) when the application is made and the fee is paid by mistake ;

(vii) when the candidate absents himself from any examination and satisfies the Commission that the absence was unavoidable and was due to causes beyond his control ;

(viii) when the candidate after paying the fees fails to send his application to the Commission ;

(ix) when the candidate dies prior to the examination.

(2) No fees shall be refunded under sub-rule (1) except on an application made within sixty days from the last date fixed for the examination concerned.

(3) Fees paid for any examination shall not be taken credit for any other examination except where a candidate makes an application in writing within sixty days from the

last date fixed for the examination in respect of which fees was paid requesting that the fees may be appropriated for the next ensuing examination.

8. Referenee to books.—Save as otherwise provided by any general or special order made by the Government, candidates to an examination may bring with them to the examination hall unabridged and unannotated editions of books prescribed for the examination. No candidate shall bring into the examination hall, or be in possession in the examination hall of any notes or guides or any other books.

9. Marks for a pass.—(1) Save as otherwise provided by any general or special order the minimum marks for a pass in any service examination shall be thirty-five per cent in each individual paper and forty per cent in the aggregate prescribed for that examination.

(2) A candidate who secures not less than sixty per cent of the maximum marks in any paper or papers comprising any examination shall be placed in the first class, and a candidate who secures less than sixty per cent of the maximum marks shall be placed in the pass class.

(3) Where an examination consists of more than one paper and a candidate secures in any paper not less than sixty per cent of the maximum marks prescribed for that paper he shall be deemed to have passed the examination in that paper, if he passes the examination by securing the required number of passing marks in the other papers of the examination concerned within two years from the date of declaration of the result of the examination in which he had secured not less than sixty per cent of the maximum marks in that paper.

10. List of candidates successful in examinations.—(1) The result of every examination specifying the register numbers of the candidates successful in the examination shall be published by the Commission in the *Mysore Gazette*.

(2) The Commission shall issue to each successful candidate in any examination a certificate under the signature of the Secretary and Controller of Departmental Examinations, Mysore Public Service Commission, stating the examination passed by him and the class in which he is placed.

(3) A candidate may obtain a duplicate copy of the certificate on furnishing proof to the satisfaction of the Commission that the original had been lost, on payment of a fee of one rupee for the grant of such certificate. An application for a duplicate copy of a certificate shall also contain particulars regarding the month and year of the examination passed and shall furnish such information as to establish that the applicant is the person to whom the original certificate was issued. Such application shall be accompanied by a treasury receipt evidencing payment of the fee for the grant of the duplicate certificate.

11. Supply of Marks Cards.—The Commission shall furnish a marks card on payment of a fee of two rupees in respect of any subject or subjects comprised in any examination, if the application for the marks card is made within one month after the publication of the result of the examination in the *Mysore Gazette*. The application shall be accompanied by a treasury receipt of evidencing the payment of the fee.

12. Re-totalling of marks.—(1) A candidate who is declared to have failed in any examination may within one month after the publication of the result in the *Mysore Gazette*, apply to the Commission for a re-totalling of his marks in all papers or in any paper comprised in the said examination. Every candidate making such application shall pay a sum of ten rupees as deposit and a treasury receipt evidencing the payment of such sum shall be furnished along with the application.

(2) On receipt of an application under sub-rule (1) the Commission shall cause the marks to be re-totalled, and

the decision of the Commission as regards the re-totalled marks secured by the candidate shall be final.

(3) Where a result is altered consequnt upon the re-totalling of marks, the deposit made by the candidate under sub-rule (1) shall be returned to him. In other cases the deposit shall not be returnable.

13. Remuneration to examiners.—(1) Fees at the rates specified in column (2) of the following table shall be payable to the examiners for performing the functions specified in the corresponding entry of column (1) of the said Table, namely :—

TABLE

(*a*) For the setting of a question paper in respect of which the duration of time allowed for answers.—

(i) not less than three hours	...	Fifty Rupees.
(ii) less than three hours but not less than two hours	...	... Forty Rupees.
(iii) less than two hours but more than one hour	...	... Twenty-five Rupees.
(iv) one hour and less	...	... Twenty Rupees.

(*b*) For valuing an answer book of a question paper in respect of which the duration of time allowed for answers is,—

(i) not less than three hours	...	Two Rupees.
(ii) less than three hours but not less than two hours	...	... One and a half Rupees.
(iii) less than two hours	...	... One Rupee.

(2) The Supervisors and Invigilators shall be paid remuneration at the following rates, namely :—

(i) In the case of Supervisors, at five rupees per day or part of a day ;

(ii) In the case of Invigilators, at two and a half rupees per day or part of a day.

14. Misconduct.—A candidate who is found guilty by the Commission of impersonation or of submitting fabricated document or documents which have been tampered with or of making statements which are incorrect or false, or of suppressing any material information or of using or attempting to use unfair means in the examination hall or otherwise resorting to any other irregular and improper means in connection with any service examination, such candidate may, in addition to rendering himself liable to a criminal prosecution.—

(*a*) be debarred either permanently or for a specified period by the Commission from admission to any examination or appearance at any interview held by the Commission for selection of candidates and

(*b*) be subjected to disciplinary proceedings.

[No. GAD 61 SSR 64.]

By Order and in the name of the Governor of Mysore,

261 K. S. N. MURTHY, *Deputy Secy.*

Education Secretariat.

NOTIFICATION.

Bangalore, dated 23rd—25th November 1965.

G.S.R. 752.—The following draft of the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 31 of the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Act, 1961 (Mysore Act 7 of 1962) is hereby published as required by sub-section (1) of the said Section for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after 31st March 1966.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Education Department, Vidhana Soudha, Bangalore-1.

[No. ED 16 SAR 64.]

By Order and in the name of the Governor of Mysore,

W. A. Smith, *Under Secy.*

THE MYSORE ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1965.

1. **Title.**—These rules may be called the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Rules, 1965.

2. **Definitions.**—In these rules, unless the context otherwise requires—

(*a*) 'Act' means the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Act, 1961 (Mysore Act 7 of 1962) ;

(*b*) 'construction' of any structure includes additions to or alterations of an existing buildings ;

(*c*) 'copying', together with its grammatical variations and cognate expressions, means the preparation of copies by drawing or by photography or by mould or by squeezing and includes the preparation of a cinematographic film with the aid of a hand-camera which is capable of taking films of not more than eight millimetres and which does not require the use of a stand or involve any special previous arrangement ;

(*d*) 'filming', together with its grammatical variations and cognate expressions, means the preparation of cinematographic film with the aid of camera which is capable of taking films of more than eight millimetres and which requires the use of a stand or involves other special previous arrangements ;

(*e*) 'form' means a form set out in the Schedule ;

(*f*) 'mining operation' means any operation for the purpose of searching for or obtaining minerals and includes quarrying, excavating, blasting and any operation of a like nature ;

(*g*) 'prohibited area' or 'regulated area' means an area near or adjoining a protected monument which the State Government has, by notification in the official Gazette, declared to be a prohibited area, or, as the case may be, a regulated area, for purposes of mining operation or construction or both ;

(*h*) 'Schedule' means a Schedule appended to these rules ; and

(*i*) 'section' means a section of the Act.

CHAPTER II.

ACCESS *to Protected* MONUMENTS.

3. Monuments governed by agreement.—(1) Access to protected monuments in respect of which an agreement has been entered into between the owner and the State Government under Section 6, or in respect of which an order has been made by the Government under Section 9, shall be governed by the provisions of the agreement or, as the case may be, the order; and nothing in rules 4 or 5 shall be construed as affecting any such agreement or order.

(2) A copy of the relevant provisions of every such agreement or order shall be exhibited in a conspicuous part of the monument concerned.

4. Parts of Monuments not open.—The Director may, by order, direct that any specified part of a protected monument shall not be open, permanently or for a specified period, to any person other than the Director, his agents, subordinates and workmen and any other Government servant on duty at such part.

5. Holding of meetings, etc., in monuments.—(1) No protected monuments shall be used for the purpose of holding any meeting, receiption, party, conference or

entertainment except under and in accordance with a permission in writing granted by the Government.

(2) Nothing in sub-rule (1) shall apply to any meeting, receiption, party, conference or entertainment which is held in pursuance of a recognised religious usage or custom.

6. Prohibition of certain acts within monuments :—No person shall within a protected monument,—

(*a*) do any act which causes or is likely to cause damage or injury to any part of the monument; or

(*b*) discharge any fire-arms; or

(*c*) cook or consume food except in areas, if any permitted to be used for that purpose; or

(*d*) hawk or sell any goods or wares or canvas any customer for such goods or wares or display any advertisement in any form or show a visitor round for monetary consideration except under the authority of, or under and in accordance with the conditions of a licence granted by the Director, or

(*e*) beg for alms; or

(*f*) violate any practice; usage or custom applicable to or observed in the monument; or

(*g*) bring, for any purpose other than the maintenance of the monument,—

(*i*) any animal, or

(*ii*) any vehicle except in areas reserved for the parking thereof.

7. Penalty. Whoever—

(*i*) unlawfully enters any protected monument or part thereof at a time when, under these rules, it is not to be kept open, or

(*ii*) contravenes any of the provisions of rule 5 or rule 6-shall be punishable with fine which may extend to five hundred rupees.

CHAPTER III

Moving of Antiquities from Certain Area.

8. **Application for moving antiquities :**—Every application for permission to move any antiquities or any class of antiquities in respect of which a notification has been issued under sub-section (1) of section 22 shall be made in Form I to the Director at least three months before the proposed date of the moving.

9. **Grant or refusal of permission :**—On receipt of an application under rule 8, the Director may, after making such enquiry as he may deem necessary, grant permission for the moving of all or any of the antiquities or, for reasons to be recorded, refuse such permission.

10. **Appeal :**—Any person aggrieved by an order of the Director under rule 9, may prefer an appeal to the Government and the decision of the Government on such appeal shall be final.

CHAPTER IV.

Mining Operation and Construction near protected Monuments.

11. **Notice of intention to declare a prohibited or regulated area.**—(1) before declaring an area near or adjoining a protected monument, to be a prohibited area or a regulated area for purposes of mining operation or construction or both, the Government shall, by notification in the Official Gazette, give one month's notice of its intention to do so, and a copy of such notification shall be affixed in a conspicuous place near the area.

(2) Every such notification shall specify the limits of the area which is to be so declared and shall also call for objections, if any, from interested persons.

12. Declaration of prohibited or regulated area.—After the expiry of one month from the date of the Notification under rule 11 and after considering the objections, if any, received within the said period, the Government may declare, by notification in the Official Gazette, the area specified in the Notification under rule 11 or any part of such area, to be a prohibited area or, as the the case may be, a regulated area for purposes of mining operation or construction or both.

13. Effect or declaration of prohibited or regulated area.—No person other than the Director shall undertake any mining operation or any construction —

(*a*) in a prohibited area, or

(*b*) in a regulated area, except under and in accordance with the terms and conditions of a licence granted by the Director.

14. Application for licence.—Every person intending to undertake any mining operation or any construction in a regulated area shall apply to the Director in Form II at least three months before the date of commencement of such operation or construction.

15. Grant or refusal of licence.—(1) On receipt of an application under rule 14, the Director may grant a licence or, if he is satisfied that the licence asked for should not be granted, may, for reasons to be recorded, refuse to grant a licence.

(2) Every licence granted under sub-rule (1) shall be in Form III and be subject to the following conditions, namely :—

(*a*) the licence shall not be transferable ;

(*b*) it shall be valid for the period specified therein ; and

(*c*) any other condition relating to the manner of carrying out the mining operation or the construction which the Director may specify in the licence for ensuring the safety and appearance of, and the maintenance of the approach and access to, the protected monument.

16. Cancellation of licence.—The Director may, by order, cancel a licence granted under rule 15, if he is satisfied that any of its conditions hae been violated :

Provided that no licence shall be cancelled unless the licensee has been given an opportunity to make his objections.

17. Appeal.—Any person aggrieved by an order of the Director made under rule 15 or rule 16, may prefer an appeal to the Government ; and the decision of the Government on such appeal shall be final.

18. Removal of unauthorised buildings.—(1) The Government may, by order, direct the owner or occupier of an unauthorised building in a prohibited area or in a regulated area or of a building or part thereof which has been constructed in contravention of any of the conditions of a licence granted under rule 15, to remove such building or part thereof within a period specified in that order.

(2) If the owner or occupier refuses or fails to comply with an order made under sub-rule (1), the Government may direct the District Magistrate to cause the building or part thereof to be removed, and the owner or occupier shall be liable to pay the cost of such removal.

19 Penalty.—Whoever—

(i) unlawfully undertakes any mining operation or construction in a prohibited area or in a regulated area, or

(ii) contravenes any of the conditions of a licence, or

(iii) fails or refuses to comply with an order made under sub-rule (1) of rule 18,

shall be punishable with imprisonment which may extend to three months or with fine which may extend to two thousand rupees or with both.

CHAPTER V.

COPYING AND FILMING OF PROTECTED MONUMENTS.

20. Permission required for copying certain monuments.—The Director may, by order, direct that no person other than an officer authorised by him in this behalf shall copy any specified monument or part thereof except under and in accordance with the terms and conditions of a permission in writing granted by the Director.

21. Conditions of copying other monuments.—(1) Any person may copy a protected monument in respect of which no order under rule 22 has been made.

(2) Nothing in sub-rule (1) shall be construed as authorising any person other than the Director or an Officer authorised by the Director in this behalf, while copying any such monument, to—

(*a*) bring into or use within the precincts of such monument a camera-stand, stool, chair, table, large drawing-board, easel or any such appliance, or

(*b*) erect any scaffolding within such precincts, or

(*c*) use within such precincts any artificial light other than a flashlight synchronised with the exposure of a camera, or

(*d*) apply any extraneous matter, such as water, oil, grease or any moulding material, on such monument or part thereof, or

(*e*) prepare a direct tracing or mould or squeeze of such monument or part thereof, except under and in accordance with the terms and conditions of a permission in writing granted by the Director.

22. Licence required for filming.—No person other than the Director or an officer authorised by him in this behalf shall undertake any filming operation at a protected monument or part thereof except under and in accordance with the terms and conditions of a licence granted under rule 24.

23. Application for licence.—Every person intending to undertake any filming operation at a protected monument shall apply to the Director in Form IV at least three months before the proposed date of the commencement of such operation.

24. Grant or refusal of licence.—(1) On receipt of an application under rule 23, the Director may grant a licence or, if he is satisfied that the licence asked for should not be granted, may, for reasons to be recorded, refuse to grant a licence :

Provided that the Director shall not grant any licence to film the interior of any protected monument, that is to say such part of any protected monument as is covered by a roof of any description, except when the film is for the purpose of education or of publicising the monument ;

(2) Every licence granted under sub-rule (1) shall be in Form V and be subject to the following conditions, namely :—

(*a*) the licence shall not be transferable and shall be valid for the period specified therein ;

(*b*) nothing shall be done by the licensee or any member of his party which has, or may have, the effect of exposing any part of the monument or attached lawn or garden to the risk of damage;

(*c*) the filming operation shall be restricted to that part of the monument in respect of which the licence has been granted ;

(*d*) no extraneous matter, such as water, oil, grease or the like shall be applied on any part of the monument ;

(*e*) the generating plant for electric power, wherever required, shall be placed away from the monument or the attached lawns or garden ;

(*f*) the filming operation shall not obstruct or hamper the movement or persons who may lawfully be within the precincts of the monument ; and

(*g*) any other condition which the Director may specify in the licence.

(b) in the case of any order or notice affecting a corporation or firm, be served in the manner provided for the service of summons in rule 2 of O. XXIX or rule 3 of O. XXX, as the case may be, in the Frist Schedule to the of Civil Procedure, 1908; and

(c) in the case of any order or notice affecting an individual person, be served on such person—

(i) by delivering or tendering it to the person concerned, or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any adult male member of the family of such person or by affixing a copy thereof on the outer door or some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain, or

(iii) by sending it by registered post, acknowledgment due.

SCHEDULE

FORM I

Application for Moving of Antiquities.

(*See* Rule 8)

1 Name and address of applicant.
(If the application is on behalf of an organisation, the name thereof should be given).

2 Name of the place from which antiquities are to be moved.
Locality Taluk District

3 Description of antiquities proposed to be moved. (Photographs showing details of the antiquities should be attached).

4 Approximate date of the moving.

5 Purpose of moving.

6 Whether the antiquities or any of them are objects of worship.

I declare that the above information is correct.

Seal of the

organisation

Signature of the applicant.

Station

Date

(If the application is on behalf of an organisation, the signature should be that of the head of that organisation).

FORM II

Application for Licence for Mining Operation/Construction within a Regulated Area.

(*See* rule 14)

1. Name and address of applicant (If the application is on behalf of an organisation, the name thereof should be given).

2. Name of the monument near or adjoining which the regulated area is situated.

Locality Taluk. District.

3. Nature and details of the proposed mining operation/construction in respect of which permission is sought.

(In the case of mining operation, a site-plan in triplicate showing in red outline the extent of the operation in relation to the monument and the regulated area should be attached ; and the details regarding the depth down to which the operations to be carried out, the mode of the operation, the method of the muffling of sound, the kind and charge of blasting material and the depth and number of blast-holes to be fired at a time should be specified.

In the case of construction, a site-plan in triplicate showing in red outline the location of the building in relation to the monument and the regulated area and the plan and elevation of the building should be attached ;and the colour, external appearance and method of the screening of the building and depth down to which the soil will be excavated for the appurtenances of the building should be specified).

4. Purpose of the proposed mining operation/construction.

5. Approximate duration and date of commencement of the proposed mining operation/construction.

I declare that the above information is correct, I also undertake to observe the provisions of the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Act, 1961, and the rules made thereunder.

Station.

Seal of the organisation.

Date

Signature of the applicant

(If the application is on behalf of an organisation, the signature should be that of the head of that organisation).

FORM III.

Licence for Mining Operation/Construction within a Regulated Area.

[*See* Rule 15 (2)]

Whereas .....of .....has applied for a licence for .....in the regulated area near or adjoining ....at ..... Taluk, ...District ....and has undertaken to observe the provisions of the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Act, 1961 and the Rules made thereunder.

I, ... Director of Archæology in Mysore do hereby grant this Licence under Sub-Rule (2) of Rule 15 of the said Rules to the said ..... for.....in the area indicated in red outline on the plan attached hereto.

This licence is granted subject to the provisions of the said Act and Rules and is further subject to the following conditions, namely :—

The licence is not transferable. It shall be valid for ....commencing with..... day of . .....19 .

Station.

Date.

Seal of the Department of Archæology of the Government of Mysore.

Signature of the Director of Archæology in Mysore.

FORM IV.

Application for licence for Filming Operation at a Protected Monument.

(*See* Rule 23)

1. Name and address of applicant. (If the application is on behalf of an organisation, the name thereof should be given).

2. Name of the monument at which the proposed filming operation is to be carried out.

   Locality. Taluk. District.

3. Part of the monument proposed to be filmed.

4. Nature and purpose of the proposed filming operation and the context in which the monument is proposed to be filmed (relevant extract of the script should be attached in triplicate and details of the scenes to be filmed should be furnished in triplicate).

5. Number of persons in the cast.

6. Approximate duration and date of commencement of proposed filming operation.

I declare that the above information is correct. I also undertake to observe the provisions of the Mysore Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961, and the Rules made thereunder.

Station.

Date.

Seal of the Organisation.

Signature of the Applicant.

(If the application is on behalf of an organisation, the signature should be that of the head of the organisation).

FORM V

Licence for Filming operation at a Protected Monument.

(*See* Rule 24)

Whereas .... of ... . has applied for a licence for filming operation at the protected monument known as ..... located at ..... District ..... and has undertaken to observe the provisions of the Mysore Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961, and the Rules made thereunder.

I, ... Director of Archaeology in Mysore do hereby grant this licence under Rule 26 of the said Rules ..... for the carrying out of filming operation, as per script and details of scenes attached hereto, in the following parts of the monuments, namely :—

The licence is granted subject to the provisions of the said Act and Rules and is further subject to the following conditions, namely :—

It shall be valid for ..... commencing with ..... day of 19

Station,

Date,

Seal of the Department
of Archæology,
Government of Mysore.

Signature of the Director of
Archæology in Mysore.

FINANCE SECRETARIAT.

NOTIFICATION.

Bangalore, dated 24th November 1965.

G. S. R. 753.—The following draftrules further to amend the Mysore Sales Tax Rules, 1957, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 38 of the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957), is hereby published as required by sub-section (1) of the said Section for the information of persons likely to be affected thereby and notice is hereby given that the said Draft Rules will be taken into consideration on or before and January 1966.

Any objection or suggestion which may be received from any person by the State Government with respect to the said Draft Rules before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government, Finance Department, Vidhana Soudha, Bangalore–1.

DRAFT RULES.

1. Title.—These Rules may be called the Mysore Sales Tax (16th Amendment) Rules, 1965.

2. Substitution of New Rule for Rule 54–A.—In the Mysore Sales Tax Rules, 1957 (hereinafter referred to as the principal Rules) for Rule 54–A, the following Rule shall be substituted, namely.—

"54–A. **Returns and other particulars to be furnished by the forwarding agency and others.**—Every clearing or forwarding house or agency, transporting agency, shipping agency, shipping out-agency, or steamer agency, in the State Shall, if so required by the Assessing Authority, furnish a return in Form 56 relating to goods cleared, forwarded, transported or shipped by it during any period, and furnish such other particulars

as may be required in respect of the transactions of any dealer in so far as they relate to the goods cleared, forwarded, transported or shipped, as the case may be, by such house or agency."

3. Amendment of Form 36.—In the said Rules in Form 36, the word "Monthly" occurring in the heading shall be omitted, and for the word "month" in two places where it occurs, the word "period" shall be substituted.

16

[No. FD 346 CSL 65.]

By Order and in the name of the Governor of Mysore,

278 N. J. GOREPEERZADE, *Under Secy.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Dated the 1st December 1965.

G. S. R. 754.—The following draft of the Mysore Municipalities (Appearance before Government Auditor and inspection of Books and vouchers by ratepayers) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by clause (h) of sub-section (2) of section 323 of the Mysore Municipalities Act, 1964, (Mysore Act No. 22 of 1964), is hereby published as required by sub-section (1) of the said section for the information of the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 2nd January 1966.

Any objection or suggestion which may be received from any person with respect to the aforesaid draft rules by the State Government before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to Government, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

DRAFT

MYSORE MUNICIPALITIES (APPEARANCE BEFORE GOVERNMENT AUDITOR AND INSPECTION OF BOOKS AND VOUCHERS BY RATEPAYERS) RULES, 1965.

1. Title.—These rules may be called the Mysore Municipalities (Appearance before Government Auditor and inspection of books and vouchers by ratepayers) Rules, 1965.

2. Definitions.—In these rules, unless the context otherwise requires,—

(*a*) 'Government auditor' means the auditor appointed by Government under sub-section (1) of

section 290 of the Mysore Municipalities Act, 1964.

(b) 'book' means and includes account registers, voucher, receipt book, minutes of proceedings and other documents which are subject to audit by the Government Auditor;

(c) 'rate-payer' means a person paying any tax other than a toll, a tax on vehicles, a tax on dogs, a special or general sanitary cess and a water rate.

3. Notice of commencement of audit.—The Municipal Commissioner or Chief Officer shall publish a notice indicating the date on which the Government auditor proposes to commence audit and the period during which the audit will be conducted; such notice shall ordinarily be published not less than one week before the date on which the Government Auditor proposes to commence audit.

4. Appearance of rate-payer before Government auditor.—Any rate-payer may appear before the Government auditor during office hours at the Municipal Office and inspect books and vouchers relating to municipal accounts in respect of which the Government auditor may conduct audit and take exception to items entered in the accounts or omitted therefrom, in accordance with these rules.

5. Intimation regarding date of appearance or inspection.—The rate-payer desiring to appear before the Government auditor to inspect books and vouchers shall give intimation in writing to the Government auditor in the Form appended to these rules at least three days before the date of such appearance or inspection.

6. Payment of fee and deposit.—(1) Every application under rule 5 shall be accompanied by a fee of five rupees in the case of a City Municipal Council and three rupees in the case of a Town Municipal Council for inspection of books not exceeding an hour in duration.

(2) If the time taken for inspection exceeds one hour an additional fee at half the rate of the original fee shall be payable for every additional hour or fraction thereof.

(3) The application shall also be accompanied by a deposit of ten rupees which shall be refunded when the books are returned in tact and without damage after inspection.

7. Inspection of Books and vouchers by rate payers.—(1) Subject to the provisions of rule 10, the Government auditor may, in consultation with the Municipal Commissioner or Chif Officer as the case may be, make available the books and vouchers desired for inspection by the ratepayer.

8. Conditions of inspection by rate payer.—(1) A rate-payer shall not be allowed to inspect any book or voucher except in the presence of the Government auditor or a responsible officer of the municipal council authorised by him and he shall not be permitted to take out any extract or copies from the books or vouchers allowed to be inspected.

(2) If during inspection the rate-payer causes or attempts to cause any damage or remove any document or tamper with any entry in the document further inspection shall be refused by the Government auditor or the Officer of the Municipal Council present at the inspection and the deposit shall also be liable to be forfeited.

(3) Any ratepayer who causes or attempts to cause any damage to a document or tampers with the same shall be liable on conviction to pay a fine which may extend to two hundred rupees.

9. Rate-payer may take exception to items in Municipal Accounts.—The ratepayer desiring to take exception to any item of receipt or expenditure entered in the municipal accounts or any omission therefrom shall do so by presenting a memo to the Government auditor setting out the particulars of his objection.

10. Refusal in certain circumstances.—(1) The Government auditor may in public interest and in consultation with the Municipal Commissioner or the Chief Officer as

the case may be, and for reasons to be recorded in writin refuse to make available any book or voucher to the rate-payer for inspection.

(2) A copy of the order passed under sub-rule (1) shall be served on the rate payer concerned.

(3) The rate payer aggrieved by an order under sub-rule (1) may, within three days from the date of communication of the order appeal, in the case of a city municipal council to the Commissioner and in the case of a town municipal council to the Deputy Commissioner.

(4) The Commissioner or the Deputy Commissioner shall within three days of the receipt of the appeal pass orders either directing that the request of the ratepayer be complied with or rejecting the request and such decision shall be final.

11. Fee and deposit to be refunded on rejection of the application.—Where an application for inspection is rejected the fee paid and the deposit made shall be refunded.

FORM

(*Rule 5*)

Application for inspection of books and vouchers by rate payer.

1. Name of rate payer :
2. Address :
3. Nature of property, if any, owned by the applicant and the municipal assessment number :
4. Tax paid by the ratepayer either on the property or otherwise ; Receipt No. and date :
5. The particulars of books which the applicant wants to inspect :
6. Fee whether paid.
7. Deposit whether made.

Place.....

date.....

Signature of applicant.

[No. PLM 13 MLR 65.]

By Order and in the name of the Governor of Mysore,

281 H. L. LINGARAJ URS, *Deputy Secy.*

Public Works and Electrical Secretariat.

NOTIFICATION

Bangalore. dated 29th November 1965.

G. S. R. 755.—The draft of the following rules further to amend the Mysore State Electricity (Supply) Rules, 1957 which the Government of Mysore proposes to make in exercise of the powers conferred by Section 78 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948), is hereby published as required by sub-section (1) of Section 78 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the draft rules will be taken into consideration on or after 1st January 1966.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government, before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Public Works and Electricity Department, Vidhana Soudha, Bangalore-1.

Draft Rules

1. Title and commencement:—(1) These rules may be called the Mysore State Electricity (Supply) (Second Amendment) Rules, 1965.

(2) They shall be deemed to have come into force on the 4th day of May, 1965.

2. Amendment of rule 4.—In the Mysore State Electricity (Supply) Rules, 1957 (hereinafter called the principal rules), for sub-rule (1) of rule 4, the following sub-rule shall be substituted, namely:—

"(1) the Chairman shall be entitled to the following, namely:—

(a) pay	Rs. 2, 500 per month less pension and pension equivalent of death-*cnm*-retirement gratuity admissible.

(b) Free use of van of the Board for official purposes."

3. Amendment of Annexure I.—In Annexure I to the principal rules, for sub-paragraph (a) of paragraph 1, the following sub-paragraph shall be substituted, namely :—

"(a) Leave on leave salary equivalent to full pay up to one-eleventh of the period spent on duty as a member. The maximum period of leave at credit at any time shall be ninety days."

[No. PWD 150 EEB 65.]

By Order and in the name of the Governor of Mysore,

282 K. MADAIAH, *Dy. Secy.*

Finance Secretariat.

NOTIFICATION.

Bangalore, dated 29th November 1965.

G.S.R. 756.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, *viz.*,

In the said Code,

In Article 278 (Page 187),

The last sentence of this Article (as substituted by Government Notification No. FD 65 RFC 60, dated 20th August 1960, *vide* C.S. No. 168) beginning with "For the purpose of" and ending with "became first repayable" shall be *substituted* by the following:

> "For the purpose of this Article, the age of a repayable item or of a balance of it may be reckoned as dating from the time whom the deposit or the balance, as the case may be, was initially deposited."

532

[No. FD 85 RFC 65.]

By Order and in the name of the Governor of Mysore,

284 N. S. Bharath, *Deputy Secretary.*

Development, Panchayati Raj and Co-operation Secretariat.

NOTIFICATION.

Bangalore, dated 29th November 1965.

G. S. R. 757.—In exercise of the powers conferred by Section 210 of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959) the Government of Mysore hereby makes the following rules to amend the Mysore Panchayats Taxes and Fee Rules, 1960 the draft of the same having been published in Notification No. DPC VTF 65, dated 27th September 1965 in the *Mysore Gazette*, dated 14th October 1965 as required by sub-section (1) of Section 210 of the said Act.

RULES.

Title:—These rules may be called the Mysore Panchayats Taxes and Fees (amendment) Rules, 1965.

2. Amendment of Rule 21 :—In rule 21 of the Mysore Panchayats Taxes and Fees Rules, 1960.

(1) in item (b) of clause (ii) of sub-rule (1) the words "any pension or" shall be omitted ;

(2) in sub-rule (2) the word "pension" shall be omitted.

[No. DPC 2 VTF 65.]

By Order and in the name of the Governor of Mysore,

283 Syed Gulam Khaja, *Under Secy.*

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated 29th November 1965.

G.S.R. 758.—The Governor of Mysore hereby sanctions the establishment of the State Service Cadres in respect of the Registration and Stamps Branch of the Mysore General Service. The strength of each of the said cadres and the number and character of the posts borne thereon shall be as follows :—

Cadre Strength.

Category of posts	No. of posts		Scales of pay
	Permanent.	Temporary	
Class I posts			
Senior Scale :			
1 Inspector General of Registration and Commissioner of Stamps	...	...	*Ex-Officio* post.
2 Registrars of Districts	...	...	*Ex-Officio* post.
3 Inspectors of Stamps		5	Rs. 350-25-650-30-800
4 Headquarters Assistant to the Inspector General of Registration and Commissioner of Stamps ...			Rs. 350-25 650-30-800
5 Additional Headquarters Assistant to the Inspector General of Registration and Commissioner of Stamps and *Ex-Officio* Superintendent of Stamps...		1	Rs. 350-25-650-30-800
6 Headquarters Assistants to the Registrar of Districts (Senior Grade). ...		5	Rs. 350-25-650-30-800

1	2			3
	Class II Posts.			
7	Headquarters Assistants to the Registrars of Districts (Junior Grade).		14	Rs. 275-20-375-25-600
8	Headquarters Sub-Registrars		19	Rs. 225-10-280-15-375
	Class III Posts.			
9	I Grade Sub-Registrars...	17	1	Rs. 225-10-280-15-375
10	Manager of Head Office.	1	...	Rs. 225-10-280-15-375
11	Head Clerk Stamp Section	1	...	Rs 150-8-190-10-270
12	II Grade Sub-Registrars...	119	11	Rs. 120-5-150-8-190-10-240
13	I Division Clerks Head Clerks and Assistant Store Keeper ...	76	4	Rs. 110-5-150-6-180-8-220
14	Stenographers	1		Rs. 110-5-150-6-180-8-220+ Special Pay
15	II Division Clerks ...	292	104	Rs. 80-3-110-4-130-5-150+ Special pay
16	II Grade Typists and Typist-*cum*-clerk ...	2		Rs. 80-3-110-4-130-5-150 + Special Pay
	Class IV Posts.			
17	Attenders and Mutchis ...	73	22	Rs. 55-1-65-2-75
18	Daffedar ...	1	...	Rs. 55-1-65-2-75
19	Peons and Watchmen ...	214	46	Rs 50-1-60
	Technical Staff			
20	Foreman ...	1	...	Rs. 100-5-150-6-180
21	Connters ...	4	...	Rs. 70-2-80-3-110
22	Pressmen ...	6	...	Rs. 65-1-70-2-90

[No. GAD 50 ORR 65.]

By Order and in the name of the Governor of Mysore,

279 S. J. GRAMPUROHIT, *Under Secy.*

NOTIFICATION.

Bangalore, dated 29th November 1965.

G. S. R. 759 .—In exercise of the powers conferred by proviso to article 309 of the Constitution of India and in supersession of all previous rules on the subject, the Governor of Mysore hereby makes the following rules, namely :—

1. These rules may be called the Mysore General Service (Registration and Stamps Branch) (Recruitment) Rules 1965.

2. In respect of each category of posts specified in column-1 of the schedule, the methods of recruitment and the minimum qualifications and the period of probation, if any, shall be as specified in the corresponding entries of column 2 and 3 of the said schedule.

SCHEDULE.

Category of posts	Method of recruitment	Minimum qua ification and period of probation
1	2	3
1 Inspector General of Registration and Commissioner of Stamps.	The Commissioner for Survey, Settlement and Land Records will be *Ex-Officio* Inspector General of Registration and Commissioner of Stamps.	
2 Registrars of Districts..	The Deputy Commissioners or the Special Deputy Commissioners wherever there are such officers will be the *Ex-Officio* Registrars in their respective Revenue Districts.	

1	2	3
	CLASS I POSTS	
3 Inspectors of Stamps.	By deputation of officers on junior scale of M.A.S. cadre.	
4 (a) Headquarters Assistant to the Inspector General of Registration and Commissioner of Stamps.	By promotion from the cadre of Headquarters.	
(b) Headquarters Assistant to the Commissioner of Stamps and *Ex-Officio* Superintendent of Stamps.	Assistants to the Registrars of District (Junior Grade) on the basis of seniority-*cum*-merit.	
(c) Headquarters Assistants to the Registrars of Districts (Senior Grade)		
	CLASS II POSTS	
5 Headquarters Assistants to the Registrars of Districts (Junior Grade).	By promotion from the cadre of Headquarters sub-Registrars on the basis of seniority-*cum*-merit.	*For Promotion*: A pass in the Departmental examinations and at least 2 years service as Headquarters sub-Registrars.
Note: The above condition will not be enforced for a period of two years from the date of issue of these orders.		
6 Headquarters sub-Registrars.	By promotion from the cadre of First Grade Sub-Registrars and Manager of Head Office on the basis of Seniority-*cum*-merit.	
	CLASS III POSTS	
7 I Grade Sub-Registrars.	By promotion from the cadre of II Grade Sub-Registrars on the basis of Seniority-*cum*-merit.	*For Promotion*: Atleast 2 years service as II Grade Sub-Registrars.

1	2	3
8 Managers of the Head Office.	By promotion from the cadre of Head Clerk of the Stamp Section.	*For Promotion* : A pass in Departmental Examinations and 2 years service in the cadre of Head Clerk, Stamp Section.
9 II Grade Sub-Registrars.	60 per cent by direct recruitment; 38 per cent promotion of Ist Division Clerks of the Department on the basis of Seniority–*cum*–merit; and 2% by promotion of Stenographers of the Department on the basis of seniority-*cum*-merit.	*For Direct Recruitment*: A degree of a recognised University or equivalent qualification. *Probation* : 1 year. *For Promotion* : (a) I *Division Clerks* : A pass in the Departmental Examination and 2 years service in the cadre of 1st Division Clerk. (b) *Stenographers* : A pass in the Departmental Examination and at least 2 years service as a Stenographer and one year as Ist Division Clerk.
10 Head Clerk Stamp Section.	By promotion of Ist Division clerks on seniority-*cum*-merit.	*For Promotion* : A pass in the Departmental Examinations.

Note: Where persons have been recruited to cadre of II Grade Sub-Registrars to fill direct recruitment vacancies and are undergoing training during the period of probation and are therefore not available to be placed in independent charge of Sub-Registry Offices, the said vacancies may be temporarily filled by promotion of First Division Clerks who have put in a service of not less than two years in that cadre, on the basis of seniority-cum-merit for a period not exceeding one year or till the posting of probationary Sub-Registrars who have successfully completed the period of probation, whichever is earlier. The persons so promoted shall revert to their original posts on the expiry of one year or on the posting of the directly recruited Sub-Registrars, as the case may be.

1	2	3
11 First Division Clerks.	50% by direct recruitment on the basis of the results of the competative examination for recruitment to the Mysore Ministerial Services; and	*For Direct Recruitment:* Probation: One year.
	50% by promotion from the cadre of IInd Division Clerks and II Grade Typists who have opted to the clerical cadre and Typist-*cum*-clerk.	*For Promotion:* A pass in the Departmental Examinations.
12 II Division Clerks.	80% by direct recruitment on the basis of the results of the competative examination for recruitment to the Mysore Ministerial Services; and	
	20% by promotion of Attenders, Mutchi, Counter and Pressmen on the basis of seniority-*cum*-merit.	*For promotion:* A pass in the Departmental Examinations and atleast 5 years service in lower cadres.
Note: In case qualified officials are not available the quota reserved for promotion should be filled by direct recruitment		
13 Stenographers,	50% by direct recruitment; and	*For Promotion:* A pass in Senior Typewriting and Senior Shorthand Examinations or equivalent qualifications.
	50% by promotion from the cadre of Typists on the basis of Seniority-*cum*-merit.	
Note: A Second Grade Typist who has passed Junior Shorthand examination, may be promoted as First Grade Stenographer, subject to the condition that he should qualify himself by passing the prescribed examinations within a period of five years from the date of such promotion, the said period being extended by Government in its discretion in deserving cases by two more years.		

1	2	3
14 II Grade Typist and Typist-cum-clerk.	By direct recruitment.	*For Direct Recruitment:* S.S.L.C. or equivalent qualification and a pass in the Junior Grade Typewriting and Junior Grade Shorthand or Senior Grade Typewriting Examination. *Probation*: One year.
	CLASS IV POSTS.	
15 Attenders and Mutchi.	50% by direct recruitment by the appointing authority and 50% by promotion from the cadre of peons on the basis of seniority-*cum*-merit.	*For Direct Recruitment:* A pass in the VII Standard Examination. *For Promotion*: A pass in the VII Standard Examination.
16 Daffedar.	By Promotion from the cadre of peons.	*For Promotion*: A pass in the VII Standard Examination.
17 Peons.	By Direct Recruitment by the appointing authority.	
	TECHNICAL STAFF	
18 Foreman.	By promotion from the cadre of Counters.	
19 Counters.	By promotion from the cadre of Pressmen.	
20 Pressmen.	50 per cent by direct recruitment; and 50 per cent by promotion from the cadre of Class IV Officials.	*For direct recruitment*: A pass in Standard VII Examination and knowledge of Press work. *For Promotion*: Same as for direct recruitment.

Note:—(1) Any inclusion of a new post or a change in the number or posts of pay thereof, even if finally agreed to by Government and notified, shall not come into effect automatically unless the concerned Department makes out a case separately and obtain the sanction of Government with the concurrence of the Finance Department;

(2) Any revision of the scale of pay that may be agreed to by Government in the manner indicated in (1) above, shall come into operation only on a change of the incumbent of the office. It shall not automatically reduce or enhance the pay of the existing incumbent, according to whether the scale of the post is lowered or enhanced. In other words, it does not give such an incumbent the right to claim the enhanced scale of pay, though the post may have been shown as upgraded in the "Cadres Notification" of the particular service; and

(3) In the case of a candidate belonging to Scheduled Castes or the Scheduled Tribes, who fails to pass the examinations or tests required to be passed within the prescribed period of probation, the period of probation shall stand extended by such period as may be necessary to pass the Departmental Examinations or Tests provided that such period shall not extend beyond the period in which the results of two consecutive Departmental Examinations or tests are announced,

[No. GAD 50 ORR 65].

By Order and in the name of the Governor of Mysore,

280 S. J. GRAMPUROHIT, *Under Secretary.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Blore.

Reg. No. B.G. 202.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, THURSDAY, FEBRUARY 25, 1965
(PHALGUNA 6, SAKA ERA 1886).

No. 46

Law Secretariat.

NOTIFICATION.

No. LAW 7 LGN 65. Bangalore, dated 25th February 1965.

Ordered that the Bangalore University (Amendment) Act, 1965 which received the assent of the Governor, on the Twenty-fifth day of February 1965, be published as Mysore Act No. 3 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ACT No. 3 OF 1965

(First published in the Mysore Gazette *Extraordinary on the Twenty-fifth day of February 1965.)*

THE BANGALORE UNIVERSITY (AMENDMENT) ACT, 1965.

(Received the assent of the Governor on the Twenty-fifth day of February 1965.)

An Act to amend the Bangalore University Act, 1964.

WHEREAS it is expedient to amend the Bangalore University Act, 1964 (Mysore Act 26 of 1964);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Bangalore University (Amendment) Act, 1965.

2. Amendment of section 62.—In section 62 of the Bangalore University Act, 1964 (Mysore Act 26 of 1964) (hereinafter referred to as the principal Act), after the words "any student", the words "of the Mysore University Engineering College, Bangalore or" shall be and shall always be deemed to have been inserted.

3. Insertion of new section 71A.—After section 71 of the principal Act, the following section shall be and shall always be deemed to have been inserted, namely:—

"**71A. Special provision in respect of certain examinations.**—(1) Notwithstanding anything contained in this Act and the Statutes, Ordinances, Regulations and Rules made thereunder, or in the Mysore University Act, 1956

and the Statutes, Ordinances, Regulations, Rules, Orders and instruments made thereunder, the University of Mysore shall provide, until such date as may be appointed by the Government, for the examination of students to whom the provisions of section 64 are applicable, and different dates may be appointed in respect of different examinations.

(2) Where examinations are provided by the University of Mysore under sub-section (1) to any student, such student shall for purposes of the Mysore University Act, 1956, and the Statutes, Ordinances, Regulations, Rules, Orders and other instruments made thereunder, be deemed to be a student of the University of Mysore, and shall be entitled to the rights and subject to the liabilities of any such student".

4. Repeal.—(1) The Bangalore University (Amendment) Ordinance, 1964 is hereby repealed.

(2) Notwithstanding the repeal by sub-section (1), anything done or any action taken under section 71A of the principal Act, as inserted by the said Ordinance shall be deemed to have been done or taken under the said section as inserted by this Act.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU, *Secretary*.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Blore.

Reg. No. B.G. 202.

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(EXTRAORDINARY)

PART IV—2-B

BANGALORE, THURSDAY, FEBRUARY 25, 1965
(PHALGUNA 6, SAKA ERA 1886). | No. 47

LAW SECRETARIAT.

NOTIFICATION.

No. LAW 11 LGN 65, Bangalore, dated 25th February 1965.

Ordered that the Karnatak and Mysore Universities (Amendment) Act, 1965, which received the assent of the Governor, on the twenty-fifth day of February 1965, be published as Mysore Act No. 4 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ACT No. 4 OF 1965.

(First published in the Mysore Gazette *Extraordinary on the Twenty-fifth day of February 1965.)*

THE KARNATAK AND MYSORE UNIVERSITIES (AMENDMENT), ACT, 1965.

(Received the assent of the Governor on the Twenty-fifth day of February, 1965).

An Act further to amend the Karnatak University Act, 1949, and the Mysore University Act, 1956.

WHEREAS it is expedient further to amend the Karnatak University Act, 1949 (Bombay Act 20 of 1949) and the Mysore University Act, 1956 (Mysore Act 23 of 1956) ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnatak and Mysore Universities (Amendment) Act, 1965.

(2) It shall come into force on such date as the State Government may by notification in the official Gazette appoint.

2. Amendment of Bombay Act 20 of 1949.—In the Karnatak University Act, 1949 (Bombay Act 20 of 1949),—

(1) after section 5A, the following section shall be inserted, namely :—

"**5B. Application of section 5 to educational institutions in Bellary District.**—The provisions of section 5 shall apply to the educational institutions in Bellary District subject to the following modifications, namely :—

(*a*) references to the date of commencement of the section in sub-sections (2) and (3) shall be construed as references to the date of commencement of the Karnatak and Mysore Universities (Amendment) Act, 1965 ;

(*b*) in sub-section (3),

(i) references to the University of Bombay shall, with reference to educational institutions in Bellary district, be construed as references to the University of Mysore ;

(ii) after the words "all such privileges", the words "including courses of instruction and examinations" shall be inserted ; and

(iii) the following proviso shall be inserted at the end, namely :

' Provided that the State Government may, by order, specify the date or dates from which the said educational institutions shall cease to have such privileges.' "

(2) in sub-section (1) of section 15,—

(*a*) under the heading "*Class I-Ex-officio members*' ,—

(i) in paragraph (B),—

(A) for clause (iii), the following clause shall be substituted, namely :—

"(iii) The Director of Collegiate Education",

(B) in clause (iv), for the word "Six", the word "Five" shall be substituted and item (c) shall be omitted ; and

(C) for clause (v), the following clause shall be substituted, namely :—

"(v) Vice-Chancellors of other Universities established by law in the State of Mysore."

(ii) in paragraph (C),—

(A) for clause (ii), the following clause shall be substituted, namely :—

"(ii) Principals of University Colleges and affiliated colleges."

(B) after clause (ii), the following clause shall be inserted, namely :—

"(iii) The Mayor of the Hubli-Dharwar Municipal Corporation".

(*b*) under the heading, "*Class II—Ordinary Members*",—

(i) in paragraph (A),—

(A) clause (i) shall be omitted ;

(B) in clause (ii), for the words "two members", the words "three members", shall be substituted ;

(C) in clause (iv),—

(a) sub-clauses (a), (b), (e), (f) and (g) shall be omitted ;

(b) for sub-clause (i), the following sub-clause shall be substituted, namely :—

"(i) eighteen members who shall not be Head Masters of High Schools by registered graduates in the manner specified below,—

(1) three by registered law graduates from among themselves ;

(2) three by registered medical graduates from among themselves;

(3) three by registered engineering graduates from among themselves ;

(4) one by registered commerce graduates from among themselves ;

(5) eight by registered graduates other than those specified in items (1), (2), (3) and (4) above, from among themselves ;

(D) in proviso (i).—

(*a*) for the words, brackets and figures "clauses (i) to (iii)", the words, brackets and figures "clauses (ii) and (iii)" shall be substituted ;

(*b*) for the words, brackets and letters, "sub-clauses (c) to (h)", the words, brackets and letters "sub-clauses (c), (d) and (h)" shall be substituted ; and

(*c*) the words "secondary teacher or" and the words "or a teacher" shall be omitted ;

(ii) in paragraph (B), the words "on the recommendation of the Vice-Chancellor" shall be omitted ;

(iii) in paragraph (C), for the words "fifty thousand rupees", the words "one lakh of rupees" shall be substituted ;

(iv) after paragraph (C), the following paragraph shall be inserted, namely :—

"(C-1) Donors to, or for the purposes of, the University, of money or property of the value of not less than fifty thousand rupees.

Such donors shall, if willing to serve, be members for a period of four terms of the Senate from the date of donation subject to the provisions of section 57." ;

(v) in paragraph (D), for the words "fifty thousand rupees", the words "one lakh of rupees" shall be substituted ; and in the Explanation, for the words, brackets and letters "paragraphs (C) and (D)", the words, brackets, letters and figure "paragraphs (C), (C–1) and (D)" shall be substituted ; and

(vi) paragraphs (E) and (F) shall be omitted ;

(3) for clause (ii) of sub-section (1) of section 18, the following clause shall be substituted, namely :—

"(ii) The Director of Collegiate Education";

(4) in section 24,—

(*a*) in sub-section (2), for clauses (ii) and (iii), the following clause shall be substituted, namely :—

"(ii) teachers nominated by the Syndicate, not exceeding such number as may be prescribed by the Statutes.";

(*b*) in sub-section (4), for the words "elected or co-opted", the word "nominated" shall be substituted ;

(5) in section 29, after clause (i), the following clause shall be inserted, namely :—

"(*ia*) fees to be charged for courses of study in the University Colleges and Departments and the affiliated colleges." :

(6) in sub-section (1) of section 32, for clause (i), the following clause shall be substituted, namely:—

"(i) that the college rules fixing the fees (if any) to be paid by the students have been framed or will be framed to ensure that the scales of fees shall not exceed the scales prescribed by the Ordinances."; and

(7) in the Schedule, after the entry relating to 'Belgaum District,' the following entry shall be inserted, namely :—

"1 A. Bellary District."

3. Amendment of Mysore Act 23 of 1956.—In the Mysore University Act, 1956 (Mysore Act 23 of 1956),—

(1) for sub-section (5) of section 4A, the following sub-section shall be substituted, namely :—

"(5) With effect from the date of commencement of the Karnatak and Mysore Universities (Amendment) Act, 1965,—

(*a*) the privileges granted to the Medical College, Manipal, the Engineering College, Manipal,

and the Law College, Udipi, situate in South Kanara District, by the Karnatak University before the said date shall be deemed to be withdrawn ; and

(*b*) the said colleges shall be deemed to be admitted to the privileges of the University and the University shall, as far as may be possible, admit the said colleges to all such privileges as they had from the Karnatak University, and provide for the continuance of the courses of instruction existing in such colleges, immediately before the said date, and the examinations in respect of such courses :

Provided that the Government may by order specify the date or the dates from which all or any of the said colleges shall cease to have all or any such privileges, courses of instruction and examinations." ;

(2) in section 20, for clause (l), the following clause shall be substituted, namely : —

"(l) to arrange for and direct the inspection of affiliated colleges and institutions, to issue instructions to maintain their efficiency and for ensuring proper conditions of employment for members of their staff, and in case of disregard of such instructions, to recommend modification of the conditions of their affiliation or take such other steps as it deems proper ;" ;

(3) in section 41, after clause (a), the following clause shall be inserted, namely :—

"(a-1) the fees to be charged for courses of study in the affiliated colleges ;" ;

(4) in sub-section (1) of section 44A, for clause (i) the following clause shall be substituted, namely :—

"(i) that the college rules fixing the fees (if any) to be paid by the students have been framed or will be framed to ensure that the scales of

fees shall not exceed the scales prescribed by the Ordinances." ;

(5) in the Schedule, after the word "excluding", the words "the Bellary District and" shall be inserted.

4. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of the Karnatak University Act, 1949, as amended by this Act, or the provisions of the Mysore University Act, 1956, as amended by this Act, the State Government may, as occasion may require, by order published in the official Gazette, do anything which appears to it to be necessary for the purpose of removing the difficulty.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU, *Secretary.*

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The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, MONDAY, MARCH 29, 1965
(CHAITRA 8, SAKA ERA 1887). | No. 76

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 9 LGN 65, dated Bangalore, the 27th March 1965.

Ordered that the Mysore Tenancy Laws (Amendment) Act, 1965, which received the assent of the President on the Twenty-fifth day of March 1965, be published as Mysore Act No. 6 of 1965 in the *Mysore Gazette* for general information,

MYSORE ACT No. 6 OF 1965.

(*First published in the* Mysore Gazette *Extraordinary on the Twenty-ninth day of March 1965*).

THE MYSORE TENANCY LAWS (AMENDMENT) ACT, 1965.

(*Received the assent of the President on the Twenty-fifth day of March 1965.*)

An Act further to amend certain tenancy laws in force in the State of Mysore.

WHEREAS it is expedient further to amend the Bombay Tenancy (Suspension of Provisions and Amendment) Act, 1957 (Mysore Act 13 of 1957), the Coorg Tenants Act, 1957 (Mysore Act 14 of 1957), the Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Act, 1957 (Mysore Act 15 of 1957), the Mysore Tenancy (Amendment and Continuance of Tenancies) Act, 1957 (Mysore Act 16 of 1957) and the Mysore Tenants (Temporary Protection from Eviction Act, 1961 (Mysore Act 37 of 1961);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Mysore Tenancy Laws (Amendment) Act, 1965.

2. Amendment of Mysore Act 13 of 1957.—In section 2 of the Bombay Tenancy (Suspension of Provisions and Amendment) Act, 1957, for the words and figures " thirty-first day of March 1965 ", the words and figures " thirty-first day of March 1966 " shall be substituted.

3. Amendment of Mysore Act 14 of 1957.—In sub-section (1) of section 8 of the Coorg Tenants Act, 1957, for the words and figures, " 31st day of March 1965", the words and figures " 31st day of March 196 " shall be substituted.

4. Amendment of Mysore Act 15 of 1957.—In section 2 of the Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Act, 1957, for the words and figures " 31st day of March 1965 ", the words and figures " 31st day of March 1966 " shall be substituted

5. Amendment of Mysore Act 16 of 1957.—In the Mysore Tenancy (Amendment and Continuance of Tenancies) Act, 1957,—

(1) in section 4,—

(*a*) in sub-section (1), for the words and figures "during the calendar year 1957 or 1958 or 1959 or 1960 or 1961 or 1962 or 1963 or 1964 or 1965 shall be deemed to be a tenancy for a further period ending on the thirty-first day of March 1965 ", the words and figures, " during the calendar year 1958 or 1959 or 1960 or 1961 or 1962 or 1963 or 1964 or 1965 or 1966 shall be deemed to be a tenancy for a further period ending on the thirty-first day of March 1966 " shall be substituted ;

(*b*) in sub-section (2), for the words and figures " thirty-first day of March 1965 ", the words and figures, " thirty-first day of March 1966 " shall be substituted ; and

(2) in sub-section (1) of section 5, for the words and figures " 31st day of March 1965 ", the words and figures " 31st day of March 1966 " shall be substituted.

6. Amendment of Mysore Act 37 of 1961.—In sub-section (4) of section 1 of the Mysore Tenants (Temporary Protection from Eviction) Act, 1961, for the figures and words " 31st day of March 1965 ", the figures and words " 31st day of March 1966 " shall be substituted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Prin D tor of Printing, Sty. & Pu cations at the Govt. Press B'lore

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV-2-B

BANGALORE, WEDNESDAY, MARCH 31, 1965
(CHAITRA 10, SAKA ERA 1887). | No. 79

NOTIFICATION.

No. LAW 17 LGN 65, Bangalore, dated 31st March 1965.

Ordered that the Mysore Appropriation (No. 3) Act, 1965 which received the assent of the Governor, on the 31 st day of March 1965, be published as Mysore Act No. 7 of 1965 in the *Mysore Gazette* Extraordinary, for general information.

MYSORE ACT No. 7 OF 1965.

(*First published in the* Mysore Gazette Extraordinary *on the Thirty-first Day of March 1965.*)

THE MYSORE APPROPRIATION (No. 3) ACT, 1965.

[(*Received the assent of the Governor on the Thirty-first day of March 1965.*)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1964-65.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1964-65 ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Mysore Appropriation (No. 3) Act, 1965.

2. Issue of rupees 25, 67, 13, 982 out of the Consolidated Fund of the State for the financial year 1964-65.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-five crores, sixty-seven lakhs, thirteen thousand, nine hundred and eighty-two rupees towards defraying the several charges which will come in course of payment during the financial year 1964-65 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said Year.

SCHEDULE

(*See* Sections 2 and 3)

1	2		3		
No. of Demand	Services and Purposes		Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE		Rs.	Rs.	Rs.
1	4	Taxes on Income other than Corporation Tax	10 900	...	10,900
2	9	Land Revenue	18,99,600	2,50,000	16,49,600
3	10	State Excise Duties	200	...	200
4	11	Taxes on Vehicles	200	677	877
5	12	Sales Tax	200	...	200
6	13	Other Taxes and Duties	200	...	200
7	14	Stamps	200	...	200
8	15	Registration Fees ...	200	...	200
...	16	Interest on Debt and Other Obligations...	...	74,85,700	74,85,700
9	18	Parliament, State and Union Territory Legislatures ...	400	...	400
10	19	General Administration	3,82,743	...	3,82,743
11	21	Administration of Justice ...	56,000	...	56,000
12	22	Jails	3,10,000	...	3,10,000
13	23	Police	200	...	200
14	25	Supplies and Disposals	40,00 000	...	40,00,000
15	26	Miscellaneous Departments ...	3,70,250	...	3,70,250
16	27	Scientific Departments	200	...	200
17	28	Education	500	...	500
18	29	Medical	2,62,000	...	2,62,000
19	30	Public Health	200	...	200
20	31	Agriculture	3,38,400	...	3,38,400
21	32	Rural Development	20,68,800	...	20,68,800
22	33	Animal Husbandry	200	...	200
		O. O. ...	92,66,093	77,36,377	1,70,02,470

SCHEDULE—(*contd.*)

1		2	3		
No. of Demand		Services and Purposes	Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
		B. F.	Rs 92,66,093	Rs. 77,36,877	Rs. 1,70,02,470
23	34	Co-operation	3,00,000	...	3,00,000
24	35	Industries	56,60,000	...	56,60,000
25	37	Community Development Projects, National Extension Service and Local Development Works ...	28,700		28,700
26	38	Labour and Employment ...	3,10,000		3,10,000
27	39	Miscellaneous Social and Developmental Organisations. ...	200		200
29	43	Irrigation, Navigation, Embankment and Drainage Works (Commercial) ...	1,85,10,000		1,85,10,000
30	44	Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial) ..	17,90,100	...	17,90,100
30A	45	Electricity Schemes ...	31,17,578	...	31,17,878
31	50	Public Works ...	7 87,333	...	7,87,333
32	5	Ports and Pilotage ...	200	...	200
33	64	Famine Relief ...	100	...	100
34	65	Pensions and Other Retirement Benefits.	30,99,600	2,500	31,02,100
36	67	Privy Purses and Allowances of Indian Rulers. ...	5,000	...	5,000
37	68	Stationery and Printing ...	200	...	200
38	70	Forest ...	200	...	200
39	71	Miscellaneous ...	16,26,000	...	16,26,000
40	72	Commutation of Pensions ...	7,34,700	1,68,400	9,03,100
41	76	Other Miscellaneous Contributions and Assignments ...	90,000	...	90,000
41A	78A	Expenditure connected with the National Emergency, 1962 ...	200	...	200
		Total A ...	4 53,26,504	79,07,277	5,32,33,781

SCHEDULE—(*concld.*)

1	2	3		
No. of Demand	Services and Purposes	Sums not exceeding		Total
		Voted by the Legi-lative Assembly	Charged on the Consolida-ted Fund	
	C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT			Rs.
44	96 Capital Outlay on Industrial Development ...	1,42,09,000		1,42,09,000
45	99 Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial) ...	2,29,35,000	84,013	2,30,19,013
46	100 Do (Non-Commercial) ...	1,900	1,300	3,200
47	101 Capital Outlay on Electricity Schemes	99,75,938	...	99,75,938
48	103 Capital Outlay on Public Works ...	1,42,11,400	...	1,42,11,400
50	110 Capital Outlay on Ports ...	100	...	100
52	120 Payments of Commuted Value of Pensions	7,23,900		7,23,900
53	124 Capital Outlay on Schemes of Government Trading. ...	6,18,98,000	...	6,18,98,000
	Total 'C' ...	12,84,54,238	85,313	12,85,39,601
	D. PUBLIC DEBT REPAYMENT AND INTER-STATE SETTLEMENTS			
	O. Public Debt—Repayment R. Inter-State Settlements }	...	7,59,83,807	7,59,83,807
	E. DISBURSEMENT OF ADVANCES AND LOANS			
54	Q. Loans and Advances by State and Union Territory Governments	59,56,793		59,56,793
	Grand Total ...	17,27,87,585	8,59,76,697	25,87,18,982

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bllore.

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PART IV—2-B

BANGALORE, WEDNESDAY, MARCH 31, 1965
(CHAITRA 10, SAKA ERA 1887). | No. 80

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 19 LGN 65, dated Bangalore, the 31st March 1965.

Ordered that the Mysore Appropriation (No. 4) Act, 1965, which received the assent of the Governor, on the 31st day of March 1965, be published as Mysore Act, No. 8 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 8 OF 1965.

(First published in the Mysore Gazette *Extraordinary on the Thirty-first day of March, 1965).*

THE MYSORE APPROPRIATION (No. 4) ACT, 1965.

(Received the assent of the Governor on the Thirty-first Day of March 1965).

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Mysore Appropriation (No. 4) Act, 1965.

2. **Issue of rupees 2,87,17,97,300 out of the Consolidated Fund of the State for the financial year 1965-66.**—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred and eighty-seven crores, seventeen lakhs, ninety-seven thousand and three hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66 in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(*See* Sections 2 and 3).

No. of Demand	2			3	
	Services and Purposes			Sums not exceeding	
				Voted by the Legislative Assembly	Charged on the Consolidated Fund
	A. EXPENDITURE MET FROM REVENUE				
1	4 Taxes on Income other than Coporation Tax	...		Rs. 5,57 000	Rs. 2,000	Rs. 5,59,000
2	9 Land Revenue	...		2,11,73,000	5,000	2,11,78,000
3	10 State Excise Duties	...		38,89,000	1,000	28,90,000
4	11 Taxes on Vehicles	...		15,23,000	2,000	15,25,000
5	12 Sales Tax	...		48,55,000	10,000	48,65,000
6	13 Other Taxes and Duties	...		10,75,000	1,000	10,76,000
7	14 Stamps	...		9,00,000	1,000	9,01,000
8	15 Registration Fees	....		20,69,000	1,000	20,70,000
...	16 Interest on Debt and Other Obligations .	}				
...	17 Appropriation for Reduction or Avoidance of Debt.	}	...		13,74,22,000	13,74,22,000
9	18 Parliament and State Legislatures	...		28,22 400	75,000	28,97 400
10	19 General Administration	...		3,25,87 200	10,29,800	3,36,17,000
11	21 Administration of Justice	...		1,02.49,000	17,39,000	1,19,88,000
12	22 Jails	...		50,99,500	1,000	51 00,500
13	23 Police	...		5,45,76,000	80,000	5,46 06 000
14	25 Supplies and Disposals	...		53,55,000	...	53,55,000
15	26 Miscellaneous Departments	...		1,08,32,000	1,000	1, 9 33 000
16	27 Scientific Departments	...		22,84,000	...	22,84,000
17	28 Education	...		25,02,64,400	10,000	25,02 74,400
18	29 Medical	...		4,22,86,000	5,000	4,22,91,000
19	30 Public Health			4,02 94,000	1,000	4 02 95 00
		C.O.	...	49,1 ,90,500	14 03,36,800	63,15,27,300

SCHEDULE—*Contd.*

2		3		
	Services and Purposes	Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
	B. F. ...	49,11,90,500	14,08,86,800	63,16,27,300
31	Agriculture ...	4,86,08,000	5,000	4,86,13,000
32	Rural Development ...	44,72,000	...	44,72,000
33	Animal Husbandry ...	2,87,21,000	1,000	2,87,22,000
34	Co-operation ...	1,18,78,700	1,000	1,18,79,700
35	Industries ...	12,27,93,600	1,000	12,27,94,600
37	C. D. P., N. E. S. and L. D. Works ...	4,82,23,200	...	4,82,23,200
38	Labour and Employment ...	88,48,000	2,000	88,50,000
39	Miscellaneous, Social and Developmental Organisations ...	2,42,21,000		2,42,21,000
40	Capital Outlay on Industrial Development	50,000	...	50,000
43	Irrigation, Navigation, Embankment and Drainage Works (Commercial).	5,45,95,000		5,45,95,000
44	Do (Non-Commercial) ...	1,73,99,000	10,000	1,74,09,000
50	Public Works	22,83,31,000	1,01,000	22,84,32,000
53	Ports and Pilotage	8,04,000	...	8,04,000
64	Famine Relief	40,29,000	...	40,29,000
65	Pensions and Other Retirement Benefits.	2,83,11,000	26,35,000	3,09,46,000
66	Territorial and Political Pensions ...	1,62,000	1,28,000	2,90,000
67	Privy Purses and Allowances of Indian Rulers ...	82,000	1,38,000	2,20,000
68	Stationery and Printing	92,75,000	1,000	92,76,000
70	Forest	5,64,78,000	53,000	5,65,31,000
71	Miscellaneous	3,67,17,000	1,50,000	3,68,67,000
72	Commutation of Pensions ...	10,90,000	1,99,000	12,89,000
76	Other Miscellaneous Compensations and Assignments. ...	95,76,000	28,13,000	1,23,89,000
78-A.	Expenditure connected with the National Emergency, 1962. ..	17,97,500	...	17,97,500
	Total A. ...	1,28,46,62,500	14,66,24,800	1,83,12,27,300

SCHEDULE—*concld.*

No. of Demand			Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
		C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.	Rs.	Rs.	Rs.
42	92	Payment of Compensation to Landholders on the abolition of Zamindari System. ...	46,17,000	8,58,000	54,75,000
43	94	Capital outlay on Improvement of Public Health ...	10,80,000		10,80,000
44	96	Capital Outlay on Industrial and Economic Development ...	4,80,76,000		4,80,76,000
45	99	Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works—(Commercial.)	3,79,84,000		3,79,84,000
46	100	Do do (Non-Commercial)...	2,50,97,000	...	2,50,97,000
47	101	Capital Outlay on Electricity Schemes ...	19,18,65,000	...	19,18,65,000
48	103	Capital Outlay on Public Works ...	7,59,75,000	50,000	7,60,25,000
49	109	Capital Outlay on Other Works ...	6,00,000	...	6,00,000
50	110	Capital Outlay on Ports	59,99,000	...	59,99,000
51	119	Capital Outlay on Forests ...	11,50,000	...	11,50 000
52	120	Payment of Commuted Value of Pensions	10,90,000	3,24,000	14,14,000
53	124	Capital Outlay on Schemes of Government Trading. ...	7,96,81,000		7,96,81,000
53A	125	Appropriation to the Contingency Fund.	1,00,00,000		1,00,00,000
		Total C. ...	53,81,64,000	12,32 000	53,43,96,000
		D. PUBLIC DEBT—REPAYMENT AND INTER-STATE SETTLEMENTS			
		C. Public-Debt (Repayment R. Inter-State Settlements	...	74,68,20,000	74,68 20,000
		E. DISBURSEMENT OF ADVANCES AND LOANS			
54	Q.	Loans and Advances by State and Union Territory Governments ..	20,75.64,000	...	20,75,64,000
		Grand Total ...	1,97,68 90 500	89,64,76,500	2,87 17 97 300

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU, *Secy., L. D.*

Printed by the Director of Printing, Stry. & Publications at the Govt. Press, B'lore.

Reg. No. BG 20½.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV-2-B

BANGALORE, WEDNESDAY, APRIL 21, 1965
(VAISHAK A 1, SAKA ERA 1887).

No. 94

NOTIFICATION.

(Law Department).

No. LAW 20 LGN 65, dated Bangalore the 21st April 1965.

Ordered that the Mysore Land Revenue (Amendment) Act, 1965, which received the assent of the Governor, on the twenty-first day of April 1965, be published as Mysore Act, No. 9 of 1965 in the *Mysore Gazette* for general information.

MYSORE ACT No. 9 OF 1965

(First published in the Mysore Gazette Extraordinary *on the Twenty-first day of April 1965).*

THE MYSORE LAND REVENUE (AMENDMENT) ACT, 1965.

(Received the assent of the Governor on the Twenty-first day of April, 1965).

An Act to amend the Mysore Land Revenue Act, 1964.

WHEREAS it is expedient to amend the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Land Revenue (Amendment) Act, 1965.

(2) This section and clauses (1), (2) and (3) of section 2, and sections 3, 4, 5, 6, 7 and 8 shall be deemed to have come into force on the first day of April 1964, and clause (4) of section 2 and section 9 shall come into force on the date of publication of this Act in the official Gazette.

2. Amendment of section 2.—In section 2 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964) (hereinafter referred to as the principal Act),—

(1) in clause (7), for the word "land", the words "any class of land" shall be substituted;

(2) for clause (8), the following clause shall be substituted, namely :—

"(8) 'class of land' means any of the following classes of land, namely, dry land, wet land, garden land or plantation land;

Explanations.—For purposes of this Act,—

(*a*) 'dry land' means—

(i) land classified as dry land under any law repealed by section 202, or any law in force at any time before the commencement of this Act;

(*ii*) land in which wet crops cannot be grown except when irrigated by water obtained from any source of water which is the property of the State Government;

(*b*) "wet land" means land in which wet crops can be grown by use of rain water or water obtained from any source of water which is not the property of the State Government;

(*c*) 'garden land' means land in which garden crops other than plantation crops can be grown, and shall consist of dry garden land and wet garden land; and

(*i*) 'dry garden land' means land classified as such under any law repealed by section 202 or any law in force at any time before the commencement of this Act, or garden land in which wet garden crops cannot be grown except when irrigated by water obtained from any source of water which is the property of the State Government;

(*ii*) 'wet garden land' means land in which wet garden crops can be grown by use of rain water or water obtained from any source of water which is not the property of the State Government;

(*d*) 'plantation land' means land in which a plantation crop, that is, cardamom, coffee, pepper, rubber or tea, can be grown."

(3) for the Explanation to clause (20), the following Explanation shall be substituted, namely:—

"*Explanation*:—A ryotwari pattadar in the Madras Area and Bellary District, a pattadar or shikmidar in the

Hyderabad Area and a holder or land-holder in the Coorg District shall be deemed to be an occupant of such land for purposes of this Act".

(4) in clause (27),—

(*i*) for the words "six and one-fourth per cent", the words "four per cent" shall be substituted; and

(*ii*) to the clause, the following proviso shall be added, namely :—

"Provided that with reference to any plantation land, the standard rate shall be the value of one per cent of the average yield of crops per acre on the land in that class of one hundred per cent classification value;"

3. **Amendment of section 60.**—In clause (*b*) of section 60 of the principal Act, for the words "and any tax", the words "and includes any tax" shall be substituted.

4. **Amendment of section 79.**—In sub-section (2) of section 79 of the principal Act, for the words "Patasthal wet lands", the words "Motasthal wet lands" shall be substituted.

5. **Amendment of section 121.**—In the proviso to sub-section (1) of section 121 of the principal Act, for the words "no increase in the standard rates proposed in the Settlement Report shall be made", the words "no order modifying the Settlement Report which has the effect of increasing the standard rates proposed in respect of any class of land in such Report, shall be made by the State Government." shall be substituted.

6. **Amendment of section 122.**—In section 122 of the principal Act,—

(1) for the words "such date as the State Government may direct", the words "such date, which may be prospective or retrospective, as the State Government may, by notification, specify" shall be substituted;

(2) for the proviso, the following proviso shall be substituted, namely :—

"Provided that where the settlement is introduced during the course of any revenue year, the retrospective date so specified shall not be any date other than the date of commencement of that revenue year."

7. Amendment of section 124.—In section 124 of the principal Act,—

(1) for the words "any law for the time in force", the words "any law for the time being in force" shall be substituted ; and

(2) at the end, the following Explanation shall be inserted, namely :—

"*Explanation* :—'ordinary land revenue' means the land revenue payable in respect of any land when no advantage by the use of water from a source of water which is the property of the State Government, accrues to such land."

8. Amendment of section 125.—In section 125 of the principal Act, for the words, figures and brackets "direct at the time of passing order under sub-section (1) of section 121", the words "at any time direct" shall be substituted.

9. Provision relating to certain Settlement Reports.—Notwithstanding anything contained in the principal Act and the rules and orders made thereunder,—

(*a*) the Settlement Reports laid before each House of the State Legislature under sub-section (1) of section 121 of the principal Act, and pending before the State Legislature on the date of commencement of this section, shall be deemed to have been modified in accordance with the provisions of the principal Act as amended by this Act ; and

(*b*) on the approval of such Settlement Reports, with such other modifications as the State Legislature may make, the State Government shall pass orders under section 121 of the principal Act in conformity with such approval, and assessment of the ordinary land revenue in respect of any land shall be fixed accordingly.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

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The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, SATURDAY, MAY 8, 1965
(VAISHAKHA 18, SAKA ERA 1887).

No. 107

NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 21 LGN 65, Bangalore, dated 7th May 1965.

In exercise of the powers conferred by Clause (1) of Article 299 of the Constitution of India, the Governor of Mysore is pleased to authorise the Officer mentioned in Column (1) of the Table below to execute on behalf of the Governor, the contract specified in Column (2) thereof :—

TABLE

(1)	(2)
The Trade Agent for the State of Mysore in London.	Project agreement between Kreditanstalt fur Wiederaufbau, Frankfurt (Main) and the Governor of Mysore in respect of the fifteen Million Deutsche Mark loan for the erection of the New Government Electric Factory.

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government, Law Dept.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bloro.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—2-C (ii)

BANGALORE, MONDAY, MAY 10, 1965
(VAISHAKHA 20, SAKA ERA 1887).

No. 110

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated the 7th May 1965.

S.O. 2340.—In exercise of powers conferred by Section 17 of the Hyderabad District Municipalities Act, 1956 (Hyderabad Act XVIII of 1956), as in force in Hyderabad Area, the Government of Mysore hereby calls upon the constituency No. 11, Chawdi Mohalla of the Gurmatkal Town Municipality, Gulbarga District, to elect before 7th June 1965; a member in accordance with the provisions of the said Act and the Rules and Order made thereunder.

[No. PLM 17 TEL 65.]

By Order and in the name of the Governor of Mysore,

V. NANJAIAH, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, AUGUST 24, 1965
(BHADRAPADA 2, SAKA ERA 1887.)

No. 155

NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 33 LGN 65, dated Bangalore, 24th August 1965.

The following order made by the Governor of Mysore is hereby published for general information, namely :—

ORDER.

In exercise of the powers conferred upon me by sub-clause (a) of clause (2) of Article 174 of the Constitution of India, I, V. V. Giri, Governor of Mysore, do hereby prorogue the Mysore Legislative Council.

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,
L. SANJEEVALU, *Secretary.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Blore.

Reg. No. B.G. 202.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, AUGUST 24, 1965
(BHADRAPADA 2, SAKA ERA 1887). | No. 154

NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 33 LGN 65 Bangalore, dated the 24th August 1965.

The following order made by the Governor of Mysore is hereby published for general information, namely :—

ORDER.

In exercise of the powers conferred upon me by sub-clause (*a*) of clause (2) of Article 174 of the Constitution of India, I, V. V. Giri, Governor of Mysore, do hereby prorogue the Mysore Legislative Assembly.

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,
R. SANJEEVALU, *Secretary*.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV-2-B

BANGALORE, TUESDAY, SEPTEMBER 14, 1965 (BHADRAPADA 23, SAKA ERA 1887). | No. 163

NOTIFICATION.

(Law Department)

Order No. LAW 36 LGN 65, dated Bangalore, 14th September 1965.

Ordered that the Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Ordinance, 1965, promulgated by the Governor of Mysore in the Sixteenth Year of the Republic of India, be published as Mysore Ordinance No. 1 of 1965, in the *Mysore Gazette* for general information.

MYSORE ORDINANCE No. 1 OF 1965.

THE MYSORE LOCAL AUTHORITIES (POSTPONEMENT OF ELECTIONS AND CONTINUANCE OF ADMINISTRATORS) ORDINANCE, 1965.

(Promulgated by the Governor of Mysore in the Sixteenth Year of the Republic of India and first published in the Mysore Gazette *on the Fourteenth day of September* 1965).

An Ordinance to provide for the postponement of elections to certain local authorities and the continuance of Administrators of local authorities.

WHEREAS the President of India has issued a Proclamation of Emergency under clause (1) of Article 352 of the Constitution of India;

AND WHEREAS during the present period of continuance of the Emergency it is necessary to postpone the elections to certain local authorities and to continue Administrators in respect of certain other local authorities ;

AND WHEREAS neither the Mysore Legislative Assembly nor the Mysore Legislative Council is in session and the Governor of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Mysore is pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Ordinance, 1965.

(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(*a*) "local authority" means a local authority constituted or established under any of the Acts specified in the Schedule to this Ordinance and includes any body functioning under such Act as is specified in column (1) thereof ;

Explanation.—For the purposes of this clause 'any body functioning under such Act' shall include any body functioning under section 381 of the Mysore Municipalities Act, 1964 ;

(*b*) "Proclamation of Emergency" means the Proclamation issued by the President of India on the 26th October, 1962 under clause (1) of Article 352 of the Constitution of India ;

(*c*) "relevant Act" in respect of any local authority specified in column (1) of the Schedule to this Ordinance

means the Act specified in the corresponding entry in column (2) of the said Schedule, under which it is constituted or established, or continued to exercise the powers and perform the functions of any such authority.

3. *Postponement of elections.*—(1) On the commencement of this Ordinance and during the continuance of the operation of the Proclamation of Emergency, notwithstanding any judgment, decree or order of any court or other authority or anything contained in any enactment by or under which any local authority is constituted or established, or continued,—

(*a*) no general election to, or election to fill any casual vacancy in, any local authority shall be held, or if any such election has commenced, but the poll has not taken place, the election shall not be completed;

(*b*) the term or extended term of office of the councillors or members of the local authorities who are in office on the date of commencement of this Ordinance (and whose term or extended term will expire during the period of operation of the Proclamation of Emergency), shall be deemed to be extended up to and inclusive of the last day on which the Proclamation of Emergency remains in operation:

Provided that after the expiry of the term of the said councillors or members of the local authorities as so extended by this section they shall continue in office until the first meeting of the reconstituted local authority at which a quorum is present.

(2) Nothing in sub-section (1) shall be deemed to preclude the supersession of any local authority in accordance with the provisions of the relevant Act.

4. *Power to appoint Administrator.*—Notwithstanding anything contained in section 3, if at any time it appears to the State Government that any local authority is, by reason of the absence of a quorum or for any other reason,

unable to exercise the powers and perform or discharge the duties and functions conferred or imposed on it by or under the relevant Act or any other law for the time being in force, the State Government may by notification in the official Gazette, appoint an administrator who shall exercise all the powers and perform and discharge the duties and functions of such local authority for such period or periods not exceeding the periods mentioned in clause (*b*) of section 3, and until the first general meeting of the reconstituted local authority, at which a quorum is present.

5. *Continuance of Administrators, etc.*—(1) Notwithstanding any judgment, decree or order of any court or anything contained in the Bombay Municipal Boroughs Act, 1925 (Bombay Act 18 of 1925), as in force before the 1st April 1965, the appointment of an Administrator for the municipal borough, Belgaum, made in notification no. S.O. 1739a, dated the 19th December 1964 and continued in notification no. S.O. 2121, dated the 17th March 1965 shall be and shall always be deemed to have been validly made in accordance with law, and accordingly anything done or any action taken by the said Administrator shall be deemed to have been done or taken in accordance with law.

(2) Notwithstanding anything contained in any enactment, and subject to the provisions of sub-section (1), where in respect of any local authority an Administrator has been appointed before the commencement of this Ordinance, the State Government may by order, from time to time, continue the period of such appointment during the period of operation of the Proclamation of Emergency.

6. *Advisory Council.*—The State Government may, if it thinks fit, appoint an Advisory Council to advise and assist the Administrator appointed under section 4 or continued under section 5 in the exercise of his powers and the performance and discharge of his duties and functions. The members of the Advisory Council shall hold office during the pleasure of the State Government.

7. *Application of relevant Act.*—Except as otherwise provided by this Ordinance, the relevant Act shall in all other respects apply to the local authority concerned.

8. *Certain acts not to have any effect.*—Notwithstanding any judgment, decree or order of any court or anything contained in any enactment or law, anything done or any action taken (including notifications, notices, or orders issued, or poll taken) in respect of any general election to, or election to fill any casual vacancy in, any local authority, where such general election or election to fill the casual vacancy has not been wholly completed, shall not have any effect whatsoever and the provisions of sections 3 and 4 shall have effect as if no such thing was done or action was taken.

9. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance or in giving effect to the provisions of any relevant Act or any other law for the time being in force relating to any local authority, in respect of which an order has been made under section 4 or 5, the State Government may, as occasion requires, by notification in the official Gazette, do anything which appears to it to be necessary for the purpose of removing the difficulty.

SCHEDULE

(*See* section 2)

Local authorities (1)	*Act.* (2)
The Corporation of the City of Hubli—Dharwar.	The Bombay Provincial Municipal Corporations Act, 1949 (Bombay Act 59 of 1949).
The Corporation of the City of Bangalore.	The City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949).
Municipal Councils and other Municipal Bodies.	The Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964).
Taluk Development Boards	The Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959).
Town Panchayats and Village Panchayats.	The Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959).

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

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(EXTRAORDINARY)

PART IV—2-B

BANGALORE, FRIDAY, SEPTEMBER 24, 1965
ASVIJA 2, SAKA ERA 1887.)

No. 171

NOTIFICATION

(LAW DEPARTMENT.)

No. LAW 33 LGN 65, dated Bangalore, 23rd September 1965.

Ordered that the Mysore State Civil Services Class III Posts Recruitment (Validation) Ordinance, 1965, promulgated by the Governor of Mysore in the Sixteenth Year of the Republic of India, be published as Mysore Ordinance No. 2 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ORDINANCE No. 2 OF 1965

THE MYSORE STATE CIVIL SERVICES CLASS III POSTS RECRUITMENT (VALIDATION) ORDINANCE, 1965.

(*Promulgated by the Governor of Mysore in the Sixteenth Year of the Republic of India and first published in the* Mysore Gazette *on the Twenty-fourth day of September 1965.*)

An Ordinance to provide for the validation of certain recruitments to the Mysore State Civil Services Class III Posts.

WHEREAS in certain judicial proceedings it has been held that recruitments to Class III posts in the Mysore State Civil Services made by the State Level Recruitment Committees are invalid due to some defect in the constitution of the said Committees and the non-compliance with certain rules in making the selections by such Committees;

AND WHEREAS in certain judicial proceedings it has been held that recruitments to Class III posts in the Mysore State Civil Services made before December 1962, by a Divisional Level Recruitment Committee are illegal on the ground that the rules made by the Governor had no retrospective effect and certain other recruitments made by the Divisional Recruitment Committees have been questioned in other judicial proceedings;

AND WHEREAS recruitments have been made by the State Level Recruitment Committees and Divisional Level Recruitment Committees from the year 1961, and a large number of persons have been appointed in the State Government service in pursuance of such recruitments, and the discharge of persons selected by the said Committees who have been appointed as Government servants and the taking of action for making fresh recruitments to all these posts will entail huge expenditure and will cause considerable difficulty in the administration of several Departments;

AND WHEREAS it is necessary to take immediate steps to provide for the validation of the selections made by the State Level Recruitment Committees and Divisional Level Recruitment Committees and appointments made in pursuance of such selections ;

AND WHEREAS neither the Mysore Legislative Assembly nor the Mysore Legislative Council is in session and the Governor of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes aforesaid ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Mysore is pleased to promulgate the following Ordinance :—

1. Short title and commencement .— (1) This Ordinance may be called the Mysore State Civil Services Class III Posts Recruitment (Validation) Ordinance, 1965.

(2) It shall come into force at once.

2. Validation of the constitution of and selections by the State Level Recruitment Committees and the Divisional Level Recruitment Committees .— (1) Notwithstanding anything contained in the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962 or any other rules made under Article 309 of the Constitution or any law or in any judgment, decree or order of any Court,—

(*a*) the body of persons who functioned as a State Level (Ministerial Posts) Recruitment Committee, or a State Level (Non-Ministerial Posts) Recruitment Committee, or a Divisional Level Recruitment Committee, shall be deemed for all purposes to have been the Recruitment Committee duly constituted in accordance with law ;

(*b*) the persons who sat or otherwise took part in the proceedings of any of the said Committees shall be deemed to have been entitled so to do as members of such Committee;

(*c*) every person who functioned as Chairman of any of the said Committees shall be deemed to have been the duly appointed Chairman of such Committee;

(*d*) every person who functioned as the Secretary of any such Committee shall be deemed to have validly functioned on behalf of the Committee in calling for applications of candidates, making communications to the candidates and others on behalf of the Committee, authenticating or notifying the names of candidates selected by the Committee and in respect of all other matters relating to the functions of such Committee;

(*e*) the selection made by any of the said Committees to any class or category of posts and the lists of names of candidates so selected and authenticated or notified by the Secretary of such Committee shall be and shall always be deemed to have been validly made, authenticated or notified, as the case may be;

(*f*) the appointments made of the candidates selected by any of the said Committees to any class or category of posts shall be and shall always be deemed to have been validly made.

(2) Notwithstanding any judgment, decree or order of any Court, the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, shall be deemed to have validly come into force on the 23rd October 1961, and accordingly anything done or any action taken (including selections and appointments of candidates made) on or after the said date under the said rules shall, subject to the provisions of sub-section (1), be and shall always be deemed to have been validly done or taken in accordance with law.

(3) Any order of a court declaring the appointment of any persons made in pursuance of selection to any class or category of posts by any Committee referred to in sub-section (1) to be invalid on account of any defect in the constitution of such Committee or on the ground that any rule relating to the selection of the candidates was not complied with, or on the ground that the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, had no retrospective effect, shall be deemed to be and always to have been of no legal effect whatsoever and the selections and appointments made are hereby validated.

3. Court not to question validity of recruitments made on the ground of defect in the constitutions, etc.—No court shall question any selection made or any resolution, proceeding or thing adopted, taken or done by any Committee referred to in sub-section (1) of section 2, or any appointment made by any authority in pursuance of such selection, merely on the ground that the said Committee had not been duly constituted or on the ground that any rule relating to the selection of the candidates was not complied with or on the ground that the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, had no retrospective effect.

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

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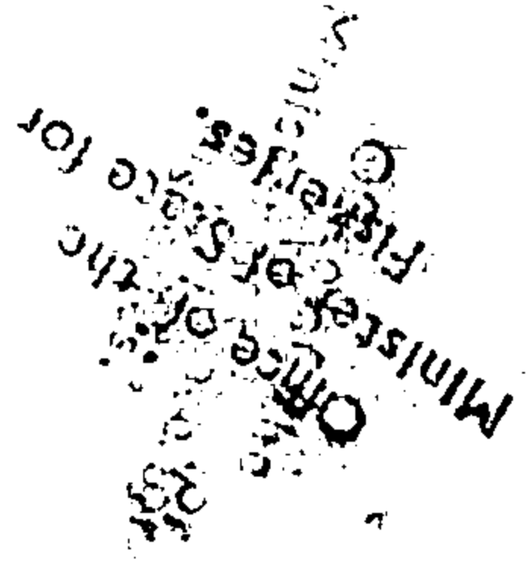
Ministry for Science for
Fisheries.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—2-B

BANGALORE, FRIDAY, NOVEMBER 5, 1965
(KARTHIKA 14, SAKA ERA 1887.)

No. 211

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 46 LGN 65, Bangalore, dated 5th November 1965.

Ordered that the Mysore State Civil Services Class III Posts Recruitment (Validation) Act, 1965, which received the assent of the Governor on the fourth day of November 1965, be published as Mysore Act No. 17 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ACT No. 17 OF 1965.

(*First published in the* Mysore Gazette *Extraordinary on the Fifth Day of November 1965.*)

THE MYSORE STATE CIVIL SERVICES CLASS III POSTS RECRUITMENT (VALIDATION) ACT, 1965.

(*Received the assent of the Governor on the Fourth day of November 1965*).

An Act to provide for the validation of certain recruitments to the Mysore State Civil Services Class III Posts.

WHEREAS in certain judicial proceedings it has been held that recruitments to Class III Posts in the Mysore State Civil Services made by the State Level Recruitment Committees are invalid due to some defect in the constitution of the said Committees and the non-compliance with certain rules in making the selections by such Committees;

AND WHEREAS in certain judicial proceedings it has been held that recruitments to Class III Posts in the Mysore State Civil Services made before December 1962, by a Divisional Level Recruitment Committee are illegal on the ground that the rules made by the Governor had no retrospective effect and certain other recruitments made by the Divisional Recruitment Committees have been questioned in other judicial proceedings;

AND WHEREAS recruitments have been made by the State Level Recruitment Committees and the Divisional Level Recruitment Committees from the year 1961, and a large number of persons have been appointed in the State Government service in pursuance of such recruitments, and the discharge of persons selected by the said Committees who have been appointed as Government servants and the taking of action for making fresh recruitments to all these posts will entail huge expenditure and will cause considerable difficulty in the administration of several Departments;

AND WHEREAS it is necessary to take immediate steps to provide for the validation of the selections made by the State Level Recruitment Committees and the Divisional Level Recruitment Committees and appointments made in pursuance of such selections;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Mysore State Civil Services Class III Posts Recruitment (Validation) Act, 1965.

(2) It shall be deemed to have come into force on the 24th day of September 1965.

2. Validation of the constitution of and selections by the State Level Recruitment Committees and the Divisional Level Recruitment Committees.—(1) Notwithstanding anything contained in the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, or any other rules made under Article 309 of the Constitution or any law or in any judgment, decree or order of any court,—

(*a*) the body of persons who functioned as a State Level (Ministerial Posts) Recruitment Committee, or a State Level (Non-Ministerial Posts) Recruitment Committee, or a Divisional Level Recruitment Committee, shall be deemed for all purposes to have been the Recruitment Committee duly constituted in accordance with law;

(*b*) the persons who sat or otherwise took part in the proceedings of any of the said Committees shall be deemed to have been entitled so to do as members of such Committee;

(*c*) every person who functioned as Chairman of any of the said Committees shall be deemed to have been the duly appointed Chairman of such Committee;

(*d*) every person who functioned as the Secretary of any such Committee shall be deemed to have validly

functioned on behalf of the Committee in calling for applications of candidates, making communications to the candidates and others on behalf of the Committee, authenticating or notifying the names of candidates selected by the Committee and in respect of all other matters relating to the functions of such Committee;

(*e*) the selection made by any of the said Committees to any class or category of posts and the lists of names of candidates so selected and authenticated or notified by the Secretary of such Committee shall be and shall always be deemed to have been validly made, authenticated or notified, as the case may be;

(*f*) the appointments made of the candidates selected by any of the said Committees to any class or category of posts whether before or after the commencement of this Act shall be and shall always be deemed to have been validly made.

(2) Notwithstanding any judgment, decree or order of any court, the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, shall be deemed to have validly come into force on the 23rd October 1961, and accordingly any thing done or any action taken (including selections and appointments of candidates made) on or after the said date under the said rules shall, subject to the provisions of sub-section (1), be and shall always be deemed to have been validly done or taken in accordance with law.

(3) Any order of a court declaring the appointment of any persons made in pursuance of selection to any class or category of posts by any Committee referred to in sub-section (1) to be invalid on account of any defect in the constitution of such Committee or on the ground that any rule relating to the selection of the candidates was not complied with, or on the ground that the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, had no retrospective effect, shall be deemed to be and always to have been of no legal effect whatsoever and the selections and appointments made are hereby validated.

3. Court not to question validity of recruitment made on the ground of undefect in the constitutions, etc.— No court shall question any selection made or any resolution, proceeding or thing adopted, taken or done by any committee referred to in sub-section (1) of section 2, or any appointment made by any authority in pursuance of such selection, merely on the ground that the said committees had not been duly constituted or on the ground that any rule relating to the selection of the candidates was not complied with or on the ground that the Mysore State Civil Services Class III Posts Rercuitment Committees (Constitution and Functions) Rules, 1962 had no retrospective effect.

4. Saving.—Notwithstanding anything contained in section 2, no person appointed to any post shall be entitled to the emoluments of such post during any period in which he did not perform the functions assigned to the person holding such post.

5. Repeal.—The Mysore State Civil Services Class III Posts Recruitment (Validation) Ordinance, 1965 (Mysore Ordinance No. 2 of 1965), is hereby repealed.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

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